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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON MONDAY, AUGUST 21, 1989

VOLUME 74

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R. ARMSTRONG, Q.C.	on behalf of the
Ms. K. CHOWN	Commission
R. BOURQUE	on behalf of the Canadian
	Track and Field Association
J. DePENCIER	on behalf of the Government
	of Canada
T. BARBER	on behalf of the Sport
	Medicine Council of Canada
R. McCREAETH	on behalf of the Canadian
	Olympic Association
J. FREEDMAN	on behalf of Wilf Wedmann

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--- Upon commencing.

THE COMMISSIONER: Mr. DePencier.

MR. DEPENCIER: Thank you, Mr. Commissioner.

5

ROLF LUND: Recalled

--- EXAMINATION BY MR. DEPENCIER: (Cont'd)

Q. Mr. Lund, when we broke on Thursday I was about to ask you a few questions about the investigation that took place in 1984 into allegations about a coach. I am really interested in the investigative procedure, and I would just like to ask you to describe a few details of it to us so we can understand the type of investigation that it was.

15 First of all, I understand you were part of an ad hoc investigative panel or committee that was established?

20 A. According to the rules of the CTFA, they would ask the President of a branch to strike a committee and hold a hearing into the allegations that had been made. And that was the procedure that we followed, sort of on the request from our parent body, the CTFA.

Q. And can you describe to me how you gathered the evidence that you heard?

25 A. What we did was call a hearing and

invite the principles involved to that hearing at which time they presented their side of the issue and --

5 THE COMMISSIONER: What was the issue, actually?

THE WITNESS: The issue was two-fold: (1) allegations over the alleged counselling and provision of steroids. And the second allegation --

THE COMMISSIONER: To who?

10 THE WITNESS: -- was the use or injection of the Vitamin B-12.

THE COMMISSIONER: The counselling or administrating of steroids to whom, though?

THE WITNESS: I am sorry, sir?

15 THE COMMISSIONER: To whom? What was the allegation that you were investigating?

THE WITNESS: The allegations were against a coach and that he had counseled athletes to -- and advised them to take steroids.

20 THE COMMISSIONER: What kind of athletes? Who were the athletes?

THE WITNESS: These athletes, I would gather, were athletes at the University of Western Ontario.

25 THE COMMISSIONER: You don't know what the sport was?

THE WITNESS: Most of them probably track and field since the coach in question was a track and field coach.

5 THE COMMISSIONER: With respect, you headed up the inquiry so did you not know what the allegations were that you were investigating?

THE WITNESS: Yes, I did. The allegations were as I have indicated.

THE COMMISSIONER: For track and field?

10 THE WITNESS: The allegations were originally made -- which was published in the University of Western Ontario's student newspaper. One of the athletes was -- had made the allegations and then withdrew them and chose not to proceed along those lines and --

15 THE COMMISSIONER: Well, I am sorry, an athlete had given the story to the University of Western Ontario newspaper; is that right?

THE WITNESS: Yes.

20 THE COMMISSIONER: And that was the allegation you were investigating?

THE WITNESS: Yes.

THE COMMISSIONER: Involving track athletes at the University of Western Ontario?

THE WITNESS: Yes.

25 THE COMMISSIONER: Go ahead, Mr. DePencier.

MR. DePENCIER:

Q. Now, sir, did you have the authority to subpoena witnesses or documents?

A. No, we did not. And I suppose we were 5 very inexperienced in the process and --

THE COMMISSIONER: Did you tell them in advance if they made any admissions they would be penalized?

THE WITNESS: Yes, I believe they were 10 and --

THE COMMISSIONER: What did you say, "if you come forth and tell what transpired you are all going to be penalized"?

THE WITNESS: No, we did not. We asked 15 them to come forth and tell the truth. They were not under oath. And they produced an affidavit at the conclusion which outlined the admission of the coach to injecting Vitamin B-12 and rejecting the allegations relating to steroids.

THE COMMISSIONER: How many athletes did 20 you have before you?

THE WITNESS: We did not call any athletes.

THE COMMISSIONER: Pardon?

THE WITNESS: We did not call any athletes 25 because we did not have the power to subpoena them.

THE COMMISSIONER: Did you ask them to come forth, to volunteer to come forth?

THE WITNESS: No, we did not at the time. I suppose that --

5

THE COMMISSIONER: Well, I thought you said you warned them if they came forth they would be penalized if they --

10

THE WITNESS: No, no, we did not speak -- indicate to any athletes that they would be penalized if they had come forward.

THE COMMISSIONER: Go ahead.

MR. DePENCIER:

15

Q. And I think you mentioned that you did not take evidence under oath at your hearing?

A. Yes, we did.

Q. You did?

THE COMMISSIONER: But you didn't call any athletes before the hearing?

20

THE WITNESS: No, we did not.

THE COMMISSIONER: You just called the coach?

THE WITNESS: Yes, we did.

25

MR. DePENCIER:

Q. Were the witnesses who appeared before you represented by counsel?

A. Yes, they were.

5

Q. And I take it there was in effect examination or cross-examination?

10

A. The hearing was not -- I suppose it was done -- it was in fact a layman's hearing because the people conducting the hearing were attempting as best they could to conduct the hearing according to what they saw as the procedure.

15

So, I wouldn't like to suggest that it was any form of judicial hearing as such. It was an investigative hearing by the Track and Field Association of which I was the chairman and there were three other members on the committee.

20

Q. As I understand it, the committee had the power or authority to make certain recommendations?

A. We were asked to present a report to the CTFA Board of Directors. And within that report we were -- we were prepared to make recommendations, yes, which we did.

Q. It was up to the CTFA Board to actually take action based on those recommendations?

25

A. Yes. We were not allowed to indicate

our recommendations or our findings to the media or to make it public. It went directly to the CTFA at which time it was considered by their Board of Directors.

Q. I take it then that the hearing itself
5 was not public?

A. No, it was not.

Q. Let me then --

10 THE COMMISSIONER: Well, did you speak to the athletes? Did anybody talk to the athletes at all because here is an athlete who has actually made a statement to the press on the matter. Did you have not call him before you and --

15 THE WITNESS: To my recollection the athlete who made the allegation was not identified and he chose not to be identified under the threat of a lawsuit against the newspaper and himself. And so I think he basically withdrew. I don't -- I would have to check the newspaper report, but I don't think he was identified in the report.

20

THE COMMISSIONER: All right.

MR. DePENCIER:

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Q. Let me ask you following up on that did you talk to the University of Western Ontario student newspaper reporters or editors who were involved in the

story?

A. We utilized their information. We did not call them to the hearing, no.

5 We did speak with the principles at the University of Western Ontario, the head track coach, the athletic director. And we did he talk to a number of athletes outside the hearing area.

In other words, we pursued that individually and reported back to the hearing committee on the issue in
10 question.

Q. Mr. Lund, let me then ask you a few questions concerning coaches. You have been and are a coach yourself?

A. Yes. Excuse me, if I could just go back, I believe I may have in following the questions -- we did -- we didn't simply sit and listen to the evidence as presented by the principles. I did communicate with the Chief Medical Officer for the CTFA at the time, Dr. Doug Clement, to ascertain his opinion, his view of what had occurred.

We also had written reports from the World Championships in Helsinki in which the very same issues were brought forward by the athletic therapist in charge of the team as well as the team coaches.

25 So, there was written evidence on the

concern over the use of banned substances at that level, and secondly for the administration of Vitamin B-12 by injection.

Q. Without medical supervision?

5

A. Yes, without medical supervision.

Q. Now, on the subject of coaches, you would agree with me that as a general rule coaches are quite influential in the lives and training and performances of their athletes?

10

A. Yes, I think probably I would go along with what the Coaching Certification Manual suggested that coaches are probably the most influential individual on an athlete, perhaps even more so than parents. And as a result of that, that's the one reason we were so concerned about the imagine which was being created by the then coach of the National Sprint Center, Charlie Francis, and the fact that post-Olympics his -- the manner in which he was being dealt with was a major concern to us in Ontario because of the element of trust that he had and the position he held within the sport.

15

Q. Well, quite apart from any particular case, you I take it then you would agree that coaches have certain ethical responsibilities to discourage and prevent doping by their athletes?

20

A. Very much so.

5 Q. I would like to ask you if an athlete does test positive or admits to the use of a banned substance or banned practice how then should the coach be dealt with by those bodies that have the power to discipline or sanction?

A. In some sports the coach is held in the same or treated by the same rules that the athlete is treated.

10 In track and field, I do not believe that's the case. And in the future I suspect it will be one area in which the sport will be looking at to determine what role if any or what sanction if any the sport should apply to a coach who is very closely affiliated with an athlete, such as in this instance a carded athlete, that the coach should share some of the responsibility for what went on.

15 The coach also enjoys the benefit of any success the athlete achieves and it would only seem appropriate that the coach should also bear some responsibility when things tend to go wrong.

20 If he in fact did not know about the doping, then perhaps he was not doing his job as a coach. In any case, I think if he did know about it then, of course, he certainly is as guilty as the athlete of transgressing the rule.

25 Q. So, I take it to some extent you would

agree that coaches should be responsible for their athletes and penalized regardless of their knowledge of a particular doping offense by an athlete?

5 A. At the highest level I think, yes, they should. And I suppose when you get down to the lower level it is more difficult to determine the amount of the influence or control, direct control, that the athlete has -- the coach has over the athlete.

10 Certainly at the national level, the level of carded athletes, I think there is a direct contractual relationship between the athlete and the coach. That is the athlete is assigned a coach, he has a contract with the CTFA, and that identifies his respective coach. To me that changes the element somewhat as compared to a school coach who may see the athlete for six weeks out of 52.

15 Q. Now, during the weightlifting evidence there was some suggestion made that in the world of weightlifting, sport bodies or federations in fact might be held responsible or accountable for athletes who are dopers and accountable in the form of the sport bodies being sanctioned by being prevented to enter teams and that sort of thing.

20 What would your comment be on that as an option?

25 A. Well, it is difficult to give a quick

5 answer to that question because the implications are rather broad, but I do think that the sport governing body is responsible ultimately for the events and occurrences that go on in the sport. And in many instances, it is difficult for it to act, but I still think it is important that it is the governing authority. And I guess realizing the complexity of it I would answer, yes, it is important, and that sport governing bodies should be responsible for the actions and events that go on in the sport.

10 Q. In your view, should that responsibility extend to liability for the body itself being sanctioned when their athletes or their coaches transgress anti-doping rules?

15 A. Not being knowledgeable in sort of the legal area to that degree, I would suppose it depends on -- I would have difficulty answering that question because I am not sure what you mean by --

20 Q. Well, aside from the legalities, as someone who has been involved in and deeply committed to a sport for many years, what is your gut reaction?

25 A. I would guess if you are an employee of the association, if you are working for the association and receiving a salary, that you would be -- I think that, yes, you should be -- that individual should be sanctioned. And if in fact the employer is paying, he or -- that

relationship has some responsibility to monitor and ensure that the program is correct.

5 Q. And similarly, an international Federation or a games franchise body, like the International Olympic Association, ought to be supervising and be concerned with those federations who enter their competitions and supply teams, I take it?

10 A. Yes, I would think so. Games federations are responsible for the -- basically the respective games, such as the Olympics or Commonwealth Games, but the international federations are responsible for the -- directly to the national organization within that country.

15

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5 Q. If a particular country or a team from a particular country has a manifest and demonstrable doping problem, is it fair for those games organizations or federations to exclude the participation of those teams or countries?

10 A. It would depend on how you defined a doping problem. I mean --

15 Q. Well, say athletes who have tested positive?

20 A. I'm not so sure that that would indicate a doping problem. I mean, it indicates an athlete that has broken the rules, and I suppose if you were to look at the history of positive dope tests, there are quite a number of countries that have had athletes who have tested positive. I mean, I don't have that figure, but I would guess there is a pretty broad cross-section of countries from the northern, central, to southern hemisphere that have had athletes test positive, and that itself -- the IAAF sees that, I think, as an individual athlete being punished and suspended, and to date there have been not been at least in its estimation, to my knowledge, an assessment that that identifies a problem which would exclude a country from participating. So I don't think the international federation to this date has decided to sanction a country because of a representative

problem. The focus has certainly been on the athlete.

Q. Aside from what has or hasn't happened, would it be your view that something like that should happen?

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THE COMMISSIONER: Are you talking about a particular sport or the country as a whole for any individual sport?

10

MR. DePENCIER: I suppose the latter would be rather extreme, but say taking a team in a particular sport from one country, should that team, in effect, pay the penalty for the transgressions of some of its members?

THE COMMISSIONER: The federation?

MR. DePENCIER: Or that federation, yes.

15

THE WITNESS: For the track and field, the athlete will pay the penalty. I don't -- if you understand international athletics or national athletics, you realize that there are areas of jurisdiction, and I think it would be inappropriate for the IAAF to interfere, and they are very reluctant to interfere in the internal affairs of a country. Therefore, I would guess that the responsibility would be on the national federation to look after that. I'm not sure I've answered your question, but I don't think that -- I personally don't think that the international federation should, given the type of problems we have had and the ones you've identified, would

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necessarily interfere or sanction a country and all the athletes within a country.

MR. DePENCIER:

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Q. Sir, continuing on the question of coaches, you've described your discussions in 1988 with a coach at the York University, or the Center at York University?

A. Yes.

10

Q. I take it that you would agree that that coach was acting appropriately in bringing his concerns to an official of the OTFA and also someone who was on the Board of the CTFA, that that was appropriate for the coach to raise his concerns in that --

15

A. In the context that it was done, yes, I do. I don't think he was talking to me as a "member" of the Board of Directors or as a President of the OTFA. I think he was talking to me as a colleague, as a coach, and we were discussing very broad issues initially, and over a period of months, the discussions focussed in on the more specific elements of our national team and the York Center.

20

Q. Would you agree that a coach who has suspicions or information about doping in the team or at the Center where they work has an obligation to raise that

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with the appropriate authorities?

A. Yes, I think it's appropriate, and I think if you look back, there are a number of coaches who did approach various individuals with that concern. In almost all of these -- well, in all of the instances that I'm familiar with, the individual lacked hard evidence. In other words, he lacked the actual proof, so it was suspicions. If I might add, those suspicions, and if you were to bring to this chair all the coaches in Ontario on the national team, I think they would probably express the same kinds of concerns. In other words, things that we had seen, that we had noticed, were not in that Sprint Center in terms of the athletes, Cheryl Thibedeau, Mark McKoy --

15 THE COMMISSIONER: It just wasn't sprinting, though, Mr. Lund?

THE WITNESS: I beg your pardon?

THE COMMISSIONER: It just wasn't sprinting. All the throwing events were just as equally -- there is just as much discussion about all the throwing events as there was about track and field?

20 THE WITNESS: Yes. What I'm suggesting is that what we observed in those events was perhaps more dramatic than what had been existing in the throwing events because the individuals were also very large. What

5 I'm trying to suggest is that what I observed and what I testified to, certainly I was not the only one who shared those views, that any knowledgeable coach or experienced coach would probably have been as surprised at the changes that occurred in these athletes in the period of time in question.

MR. DePENCIER:

10 Q. Mr. Lund, you've made reference to a newer investigative body or rules that now provide for a beefed up investigative body in track and field, I believe?

15 A. Yes. Well in the CTFA now, there is a Doping Solutions Committee which deals with the entire doping problem, and it is represented by members of Board of Directors -- a member of the Board of Directors, as well as athletes, as well as some specially trained people who are knowledgeable in the field.

20 Q. Had that committee existed at the time that this York University or this coach from York talked to you, would it have been appropriate for either him or you to take that information or suspicions to that committee?

A. Yes, I suppose it would be appropriate.

25 Q. That's the sort of thing the committee

is there to deal with?

5 A. Yes. I think it would have been easier for him to have done that. I'm not sure that he would have because of the concern that he had for his future and that he was not in a stable employment position. So to answer your question, the committee certainly, with hindsight, would have been an avenue that could have been pursued.

10 Q. In your view, perhaps personally, would it be appropriate in the future for organizations like the OTFA and CTFA to, in effect, require their certified or employed coaches to take any suspicions they have to that committee? Is that something you should put a positive duty on the coaches to take that sort of concern to this
15 committee or another appropriate body?

 A. Yes. I think, given what has occurred, has certainly allowed people to realize the importance of that. I suppose it only dramatizes the importance that a coach be aware of what's going on with his athletes.

20 Q. And that a coach has a duty, if he has concerns, to have them looked into?

 A. Very much so.

 Q. And that it would be proper to have that duty spelled out formally through an employment contract or a policy of the CTFA or the OTFA or the
25

employer?

5 A. I'm not sure if it says that in the contract now, but I think there are certain very broad statements that would suggest that that might even be appropriate at the present time. But I think certainly in the future, it would be appropriate to have something such as that written very specifically into the contract.

10 Q. Finally I'd like to ask you a few questions about the role of Sport Canada. Let me ask you if you are aware of a report called "Towards 2,000 - Building Canada's Sports System", which was a taskforce report issued in the summer of 1988?

15 A. Yes, I'm very familiar, as are most people involved in sport, so I've spent a considerable amount of time digesting that material. In actual fact, I've even written a formal response to the Minister on the contents of the report, and that was followed by, I believe, almost every university in the country responded to that report as well as the Presidents and Principals of 20 all universities in Ontario, to my knowledge, took a very, very strong position with respect to the contents of that report. So yes, the report has been very much a part of shaping my reaction and my position with respect to sport.

25 MR. DEPENCIER: Mr. Commissioner, just for the record, that report has been entered as Exhibit 15.

THE COMMISSIONER: Yes, I know.

5 MR. DePENCIER:

Q. I'd just like to ask you about your reaction to one recommendation --

THE COMMISSIONER: What exhibit are you referring to now? What exhibit number?

MR. DePENCIER: Exhibit No. 15, sir.

10

MR. DePENCIER:

Q. This is recommendation 1.3.2 under the heading "The Sport System in Canada", and it reads:

15 "To position national sports organizations as the key agencies for development, promotion and governance of their respective sports with a national mandate to provide a full range the services to their members, constituents and the general public, from the technical high-performance support needed for international teams, to the community service-type services inherent in the development of mass sport."

20

I take it you would agree with that recommendation?

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A. Only in part, in the sense that that recommendation does not take into account the number of

already existing groups that should govern their own sports, those being the high schools, the elementary schools, the universities and a variety of community organizations such as the Royal Canadian Legion that run sports programs. In other words, the intent of that recommendation is to lump all of those under the control and influence of the national sports federation or governing body, and that is totally inappropriate.

5 Already, I know that the high schools have responded against it, as well as the universities have strongly opposed that concept. In other words, these are organizations which basically are responsible and will not stand by to have their authority with respect to governing their sport usurped by a national sports governing body.

10 Q. Nonetheless, I think you would agree that the NSOs have the key role to play with respect to high-performance sport?

15 A. I would think that given the place of these other bodies that in fact the national sports governing body is the agency that should govern sport in this country, yes.

20 Q. Now, as you know, this report --

THE COMMISSIONER: I'm sorry, other than than high school and inter-collegiate?

25 THE WITNESS: What I'm suggesting is that

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these other organizations should be allowed that govern these sports as they see fit. These are sports that are tied in most instances to educational institutions, and they have objectives besides, which may conflict very directly with the objectives of a national sports governing body. All these organizations are suggesting, and I would suggest as well, that these organizations should be allowed to remain autonomous, and they would be a part of but not governed by the national sports governing body.

MR. DEPENCIER:

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Q. Again, my concern was just with respect to high-performance sport. What we've been talking about, that concerns at the national team level?

A. I would agree with that.

Q. So you have no qualms about the recommendation as far as high-performance, national team sports?

20 A. No.

Q. Now I take it you would also agreed basically with the thrust and the contents of Sport Canada's anti-doping policy?

25

A. Yes, certainly. The efforts they have put forward, I don't have any -- I have supported them,

and I have no -- in general terms with the initiatives they have taken and the initiatives they have pursued.

5 Q. You would agree that a sport like track and field and other high-performance sports should be subject to or have anti-doping programs?

A. There is no question.

Q. Would it be fair that, in your view, Sport Canada's role should include the funding of those programs?

10 A. Yes. Those programs are very, very expensive, and for the sport to assume the responsibility for carrying those programs out would mean that they would have to utilize money which should normally go into programming into this area. So it certainly ties in with sort of making the sport safe. So it ties in with insurance and ties in with ethics. It ties in with all those other things. That's something that Sport Canada should be concerned with and should be providing funds for.

20 Q. And I think that consistent with the recommendation of the "Toward 2,000" report I just read to you, it's your position that Sport Canada essentially ought to be a funding agency, that that's its role vis-a-vis the national sport organizations with respect to high-performance sport?

A. Yes. I would like to see Sport Canada's influence be limited more into funding and, as I said, perhaps a broader term of support.

5 Q. I think you mentioned the last day that you granted that there may be certain conditions that are appropriate to be attached to Sport Canada funding to a particular NSO?

10 A. Yes. I'm sure there are always large, broad positions that are related to how money can be spent, and that would be appropriate, yes.

15 Q. One of those, I take it, would be that if Sport Canada wants an NSO to allocate money for some of the money that it gives for anti-doping that that would be an appropriate provision for the allocation of public funds, of the taxpayers' funds?

20 A. Yes. I suppose again, if the sport governing body wished to utilize additional funds, it would be within it's power to do so; but it could, in its presentation to Sport Canada, advocate such an expenditure.

25 Q. If as a result of the work of this Commission there are changes to the current anti-doping programs in place at the NSO level or changes in the Sport Canada policy, would you agree that it would be appropriate as a condition of public money that NSOs adopt

whatever changes do come about, that that might an additional case?

A. Yes. I think that certainly is one issue that sport governing bodies would be and in fact Sport Canada, the government, could be very insistent upon. Let me just add that the -- it perhaps behooves people to look at the way in which the doping control program is being conducted, and again it's not that I'm the only person suggesting that, but it's perhaps in the future that the doping control agency might be itself removed from the sport governing body and as such not be tied to the sport; because at the present time, you essentially have every sport governing body developing its own doping control policy and program. It would seem in the future, if doping control is an issue that affects many sports, that a separate agency be developed which is again arm's length from government which would be responsible for conducting doping tests in all sports. Again, you would have one group primarily responsible, specially trained and funded, and in the long run it may be cheaper than the present process of developing programs in every sport.

Q. Nonetheless, wouldn't you agree that a national sports organization would have to have a continuing role in such a system, for example, in the

selection of athletes to be tested and information about different events or different athletes who ought to be tested?

5 A. Oh, yes, very much so. They would be the ones that would identify and supply the list of athletes and access to these athletes.

MR. DEPENCIER: Thank you very much, Mr. Lund.

Thank you Mr. Commissioner.

10 THE COMMISSIONER: Thank you, Mr. DePencier.

Mr. Bourque?

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THE COMMISSIONER: Yes.

--- EXAMINATION BY MR. BOURQUE:

Q. Mr. Lund, my name is Bourque. I represent the Canadian Track and Field Association. I would like to begin by taking you back to your evidence concerning the investigation conducted by the OTFA in 1983 regarding a coach who was accused in the University of Western Ontario newspaper.

I believe you confirmed this morning that that investigation was in fact ordered by the CTFA?

A. Yes.

Q. Now, you have given evidence last Wednesday of a Canadian Track and Field Association appeals committee decision in which the recommendations of the OTFA investigative committee were not adopted.

Can I ask you are you aware whether the recommendations of the OTFA first went to the CTFA Board of Directors sitting as a whole?

A. Yes, they did go to the Board of Directors as a whole, the outcome of which I am not familiar with because I was not a part of that, having been a part of the investigative committee. I delivered my report to the CTFA Board of Directors at which time they considered it. And I have -- I was not party or made aware of the discussions or the outcomes at that point.

Q. And if I were to tell you now that the evidence of the Canadian Track and Field Association will be that its entire Board of Directors adopted the recommendations of the OTFA investigative committee on December 6, 1983, you would not deny that?

5

A. It is interesting to find it out, yes,
thank you.

Q. Thank you. And subsequently the matter went to the CTFA appeals committee, and is it your understanding that that committee, like the OTFA investigative committee, is an ad hoc panel struct just to consider the case in question?

10

A. Yes, it is a committee that is usually formed under or at the request of the Chairman of the Board or at that time it may have been the President, but the Chairman, the senior volunteer in the organization. And each province identifies an individual who is willing to sit on an appeals committee. And so he assigns a committee, an appeals committee, to hear the appeal excluding, of course, the representative from the branch in which the individual alleged to have committed the offense is a member.

20

So, yes, in this instance there were three individuals to whom other branches had identified as a person who they would nominate as an appeals committee

25

member.

5 Q. All right. Now, with reference to your Exhibit No. 247, which is the report issued by the OTFA on April 17, 1984, concerning coaching ethics and which you testified was issued by the OTFA in response to the appeals committee failure to uphold the OTFA recommendations, I would like to refer you again to a passage that was read last Wednesday. And I will read it to you again, it was brief.

10 "However clear this press release may appear, with respect to performance enhancing substances, it is the opinion of the OTFA that the CTFA did not address or deal with the issue that was our prime concern during 15 the investigation. That issue being, the admitted administration by hypodermic needle of Vitamin B12 to athletes by a coach."

And that is the end of the quote.

I wish to ask about that passage. In the 20 first place, did you or anybody else in the Ontario Track and Field Association in 1984 know what in fact the appeals committee did consider? Were you present?

A. No, we were not present.

Q. And --

25 A. The only information we had was the

release that was presented. And it was upon that release that we based the statement that was written and sent to our membership and our coaches.

5 Q. Now, are you aware, sir, that the appeals committee of the CTFA in fact considered very lengthy submissions and received legal opinion concerning among other things the validity of certain of the OTFA findings, including whether B-12 is a prescription medication, and the ethics of administration by 10 non-medical personnel.

Are you aware that those issues were covered fully by the appeals committee?

15 A. No, I am not aware fully because I had no -- no reason, no access to question the appeals committee.

20 Q. Was there evidence before your committee, the OTFA investigative committee, to the effect that the coach had obtained instructions from a qualified Ontario medical doctor on the manner in which an injection should be given?

A. Yes, there was. If you read the evidence, you will find that he did receive instructions from his uncle.

25 Q. Who was a qualified practitioner of medicine in Ontario; is that correct?

A. Yes, he was. However, he was not present during the injection -- periods of time when the injections were being conducted.

5 Q. And finally on that matter, are you aware that the coach who was under investigation at the time instituted proceedings in the Supreme Court of Ontario against the OTFA and the CTFA after the CTFA Board adopted the OTFA investigative committee recommendations?

A. Yes, I recall something to that effect. 10 It was nothing in the way of an official communication. I simply was made aware, and I can't recall how I was made aware, but that in fact he was -- he was proceeding with legal action.

15 Q. Now, if I may move forward in time to a subsequent investigation which I believe you were also involved in, there's been considerable evidence given here in the investigation into three athletes who tested positive in 1986; namely, Robert Gray, Michael Spiritosa and Peter Dajia?

20 A. Yes.

Q. Now, again, in that matter did the Ontario Track and Field Association receive a request from the CTFA to strike an investigative committee and look into those matters?

25 A. Yes, they did.

Q. Can you tell me who comprised the investigative committee of the OTFA in that case?

A. The Chairman of the investigative committee was a member of our board at the time, I believe, Bruce Savage, our Vice President Roy Bullock, myself, and Cecil Smith as the ex-officio member of that committee.

Q. We have heard evidence that there was a hearing held by that committee in December 1986. And did you sit in on that hearing?

A. Yes, I did.

Q. Did each of the three athletes in question appear before that panel at that hearing?

A. Yes, they did.

Q. Mr. Dajia, in his evidence, has admitted that he was asked whether he had taken anabolic steroids and he admitted that he denied having taken anabolic steroids. Do you recall that?

A. To my recollection we asked specifically that question and each of the athletes replied that they had not taken anabolic steroids.

Q. All right. More specifically yet, did you ask the athletes at that hearing whether they had taken anabolic steroids or did you ask them "Had you taken the substances for which you have tested positive?"

A. I -- if I recall correctly, I think the statement was that "Have you taken anabolic steroids?"

MR. BOURQUE: Thank you, sir, I have no more questions.

5

THE COMMISSIONER: Thank you. Mr.

Buckstein, do you have any questions?

MR. BUCKSTEIN: Yes, I do have a few follow-up questions.

THE COMMISSIONER: Thank you, Mr. Bourque.

10

--- EXAMINATION BY MR. BUCKSTEIN:

Q. Mr. Lund, in your letter to the CTFA, Jean Guy Ouellette and Wilf Wedmann, March 18, 1988, which is Exhibit No. 248, we discussed this briefly last Wednesday and others after me discussed it in more complete detail.

20 You didn't specifically mention the word "steroids" in that letter, although you commented that you understood that both Jean Guy Ouellette and Wilf Wedmann knew what you were talking about. Could you expand on that, please.

25 A. Well, the element of steroid use was in direct relationship to the events involved at the Sprint Centre. And I think we were on a number of occasions discussing not only the problem of steroid use in the

world, but the dangers that that use and the possibilities of that use coming in to our own program in Canada.

5 Q. So, it was your understanding then that by that submitting the letter that you did, being as, if I can put it, as vague as it was in terms of the practices going on at the Center, that they would understand that you meant steroids?

10 A. Yes, I feel that. I also feel that the -- I mean I -- the letter was in my instance was deliberately vague and non-specific in the sense that I did not have any hard evidence, and individuals had not been identified in terms of the information that had been given to me.

15 So, it seemed more appropriate to look at the Sprint Center in a more general sense, to investigate the goings on, to ensure that we were following the rules.

20 So, as I say, there was some very strong reasons for not being more specific because had I been more specific, I would not have had the evidence to support those charges.

25 I was very sensitive to the issue of legal action and slander. And as a volunteer, I did not feel that appropriate for me to become so engaged. And there were a number of threats in the past to actions by both the OTFA and other individuals that unless you have got

something, this is by people in the Sprint Center, unless you have got any evidence be careful or we will take you to court.

5 So, there was always that sort of -- the easy access that they had to sort of legal advice and legal action was something that was very, very present.

10 Q. Now, the Commissioner commented to you last week that it might be perhaps naive to expect that athletes would come forward to a hearing or perhaps a committee and admit their own personal use of anabolic steroids if they weren't subject to an Inquiry such as this one where the power of subpoena --

15 THE COMMISSIONER: No. The suggestion was by Mr. Lund that athletes would come forth now who have records and admit that they were using steroids at the time that they achieved the record and thus ask the record be removed. That was Mr. Lund's suggestion. It would follow from his resolutions in March.

20 MR. BUCKSTEIN: I stand correct.

THE COMMISSIONER: I mean that's the question -- that's the point I commented on.

MR. BUCKSTEIN:

25 Q. All right. Are you aware as a member of the CTFA Board of Directors at their October 23, 1988

meeting, the CTFA Board at that time struct another investigative body to look into statements made and actions taken by CTFA members with respect to the use of anabolic steroids?

5

A. Yes, I am.

Q. And I believe that the final report of that investigative body was presented to the CTFA Board, the full board, in March of this year; is that correct?

A. Yes, it is.

10

Q. Do you recall from hearing that submission, the final report, how many athletes would have admitted to that investigative body --

THE COMMISSIONER: I am sorry, when was this held, Mr. Buckstein? We haven't heard any evidence of this yet.

15 MR. BUCKSTEIN: Well, the Canadian Track and Field Association at their October 23, 1988 meeting following the Seoul Olympics struct an investigative body.

THE COMMISSIONER: I knew that, but we haven't heard the results of it yet.

20 THE WITNESS: Well, I understand the results have not been put forth. I am just asking Mr. Lund if he could comment on one aspect of those results.

THE COMMISSIONER: Go ahead.

25

MR. BUCKSTEIN:

Q. Are you aware then, Mr. Lund, of how many athletes admitted to the CTFA --

5 THE COMMISSIONER: This is now in October -- this is October of 1988, was it?

MR. BUCKSTEIN: October 1988, the investigative body was struct. And in March 1989 the results --

10 THE COMMISSIONER: We will have the report, will we? Mr. Armstrong, have you seen the report?

MR. ARMSTRONG: Well, I think what the evidence is going to show is that it is a number of -- I have been told about the report as a number of athletes who were already subpoenaed to appear in this Inquiry, 15 appeared in this Inquiry under oath, and testified to their use of anabolic steroids. And they presumably told the same thing to the CTFA committee.

MR. BUCKSTEIN: I can't disagree with what Mr. Armstrong has said, although there is one additional 20 fact that I would like Mr. Lund to comment on.

THE COMMISSIONER: Yes.

MR. BUCKSTEIN:

Q. Mr. Lund, is it true that there was at 25 least one athlete, in fact only one athlete, who admitted

as to their own personal use of anabolic steroids to the CTFA investigative body who has not appeared at this Inquiry?

5 A. Yes, I believe there were three altogether, one who has not testified as yet, but all three testified to their -- to this investigative body to the use of anabolic steroids.

10 THE COMMISSIONER: They are the only ones who admitted their use before the committee, is that right? The ones who had been subpoenaed to testify here, is that right?

15 MR. BUCKSTEIN: Well, there were two that appeared at this Inquiry that also appeared at the CTFA investigative body who admitted to their own personal use at that time.

20 THE COMMISSIONER: I don't understand how could they do otherwise. I understand your point, Mr. Buckstein, but how could they do otherwise. They had already sworn their evidence before here or had committed themselves in writing to our investigators.

25 MR. BUCKSTEIN: What I am simply trying to draw to the Commission's attention is the fact that there was a third athlete who has not testified at this Inquiry who did admit to the CTFA investigative body of their own use of anabolic steroids.

5 MR. ARMSTRONG: Well, that is so, but that athlete had already met with our investigators, gave a statement to our investigators. She now resides in the United States, and we decided not to take the steps to bring her back and have her available here.

10 THE COMMISSIONER: Thank you. What is your point? If it was so easy, then why didn't the CTFA do it for nine years?

MR. BUCKSTEIN: I can't comment on that.

15 THE COMMISSIONER: I see. All right.

MR. BUCKSTEIN:

20 Q. Mr. Lund, I would like to draw your attention, just following up on a question asked this morning by Mr. DePencier, with respect to sanctions to coaches who might be involved in terms of their own athletes using anabolic steroids.

25 I would ask if you could turn to Exhibit No. 246, which is the excerpts from the International Amateur Athletic Federation rule book and the Canadian Track and Field Association rule book.

25 Now Mr. Lund, in the International Amateur Athletic Federation rule book in rule number 144, if I could just read the first two parts of that rule, and I quote:

5 "Doping is the use by or distribution to an athlete of certain substances which could have the effect of improving artificially the athlete's physical and/or mental condition and so his athletic performance. Doping is strictly forbidden."

10 Now, from my understanding there is no other provision in the International Amateur Athletic Federation rule book that would govern coaches' involvement in steroids would; that be correct?

15 A. Yes, it would be correct.

20 Q. Now, as I interpret the rule, perhaps you could comment if you would agree with this interpretation, if we had a coach who actually was involved in the physical distribution of steroids or the other banned substances covered by IAAF rule book to the athlete, that coach would be covered by this rule; is that correct?

25 A. Yes, I believe he would.

 Q. But if the coach were to simply recommend to the athlete that the athlete were, as an example, to consult with a physician and the physician subsequently then gives to the athlete steroids, the coach is not covered by this rule; is that correct?

 A. That would be my interpretation.

Q. Then in the Canadian Track and Field Association rule book, rule number 248, it repeats the two paragraphs I have read, but it does cover an additional point. And it is the second last paragraph on the excerpt of the CTFA rules that is before the Inquiry as Exhibit 246, and I quote:

"Any person assisting or inciting others to use doping substances will have committed an offense against CTFA and IAAF rules and thus is liable to disciplinary action. Any offences shall be reported by the CTFA to the IAAF."

Now, would you agree that in that instance the rule has a much broader scope so that the coach, given the example I used earlier who refers the athlete to a physician and the physician subsequently gives steroids to the athlete, that coach would now be covered under the CTFA rule book?

A. Yes, I believe that's an instance where the national rule is more stringent and more broad than the IAAF rule. And I would have thought that certainly my interpretation of that rule is that, yes, it would apply to a coach who had acted in such a way as you described.

THE COMMISSIONER: What number is that, Mr.

Buckstein?

MR. BUCKSTEIN: That's Exhibit No. 246.

5 THE COMMISSIONER: I have that here. What is the number of rule?

MR. BUCKSTEIN: Fourth page, the excerpt from the Canadian Track and Field Association rules and by-laws.

THE COMMISSIONER: Thank you.

MR. BUCKSTEIN: It is the second last paragraph.

10 THE COMMISSIONER: I have it, thank you.

MR. BUCKSTEIN:

15 Q. One other area I would like to touch with you, Mr. Lund, Mr. DePencier was asking about the new committee of the CTFA that can look into allegations of steroid use.

20 Would it be your personal opinion that that committee or another committee struct for perhaps the same purpose should have the power to be able to respond to specific rumors or allegations about individuals and their use of steroids?

A. Yes, I do.

25 Q. So, if for instance, somebody, let's say a coach, were to go to a member of this committee and say that I have heard that athlete X is using steroids or

I feel that with the development that that athlete has had
in the last short period of time due to his progress, it's
been rather astronomical, seems unnatural, I believe that
there is steroid use, do you think that that committee
5 should then have the power to immediately conduct a
random, out-of-competition testing on that athlete?

A. Yes, I do.

MR. BUCKSTEIN: Thank you, I have no
further questions.

10 THE COMMISSIONER: Ms. Chown, any
questions.

MS. CHOWN: Yes, thank you Mr.
Commissioner.

15 --- RE-EXAMINATION BY MS. CHOWN:

Q. Mr. Lund, just two brief areas I want
to clarify with you. Returning first to a question asked
of you by Mr. Bourque concerning the 1986 investigative
committee into the allegations of drug use by Mr. Gray,
20 Dajia and Spiritosa. As Mr. Bourque pointed out, you were
part of that committee, and he asked you a particular
question as to what your recall was of the questions that
were put to the athletes on their use of anabolic
steroids. And I believe you said your recollection was
25 that the athletes were each asked whether they had used

anabolic steroids in the past.

I simply out of fairness wish to return to that question and ask you whether it is possible that the question that was put by the committee to the individual athletes was whether they had ever used the particular drug that they had tested positive for, which I believe was 19-Nortestosterone rather than the more general question "Have you ever used anabolic steroids?"

A. To answer that question truthfully, I would have to look back at my notes and I recall the committee discussing that issue saying -- and this was subsequent to the Inquiry when in fact they did publicly admit to using steroids -- that the committee members commented "We asked them and they lied to us." But I would have to check my notes to see whether we specifically referred to the drugs that they had tested positive for and the phrase that the question was being used. But I feel quite confident that the question was asked that of them "Had they used anabolic steroids?" And to my recollection, I think it was the term "anabolic steroids".

Q. I am just simply trying to probe your recollection and ask you whether it is possible whether indeed it was the other question was asked?

A. Yes, it is possible.

Q. Fine. Just a matter of clarification on a question asked to you by your own counsel about the investigative committee struck by the Canadian Track and Field Association following the events in Seoul, the particular athletes that Mr. Armstrong referred to and that you referred to as coming before that committee that were also at that point committed to come before this committee were Angella Issajenko, Desai Williams and Mark McKoy; is that correct?

10

A. Yes.

Q. Then there was a fourth athlete that we have referred to that appeared before your committee but did not appear here?

A. Yes, I believe so.

15

THE COMMISSIONER: That was the American athlete.

MS. CHOWN: The Canadian athlete currently residing in the United States.

THE COMMISSIONER: Yes.

20

MR. ARMSTRONG: I think it should be clear, Mr. Commissioner, that that athlete had met with our investigators, had admitted her use, and by the time she came to testify, she was no longer in Canada, and we weren't prepared to pursue the matter further.

THE COMMISSIONER: Thank you.

MS. CHOWN: Thank you, Mr. Commissioner, those are all the questions I have for Mr. Lund.

THE COMMISSIONER: I have a few questions, Mr. Lund, that I would like to pursue with you.

5 It is quite apparent by reading your CV that you have devoted a lot of time and effort over many years to track and field in Canada?

THE WITNESS: Yes, I believe I have.

10 THE COMMISSIONER: And in many, many capacities. I notice you are a professor of physical education, are you?

THE WITNESS: Yes.

THE COMMISSIONER: You have been a coach and instructor and executive?

15 THE WITNESS: Yes.

THE COMMISSIONER: And we have been given evidence here that a coach is in a particularly good position to assess an athlete's progress by watching the athlete in training, watching the athlete's physical development, their change in their demeanor, and watching their performances as they improve from day to day and week to week. You would agree with that?

THE WITNESS: Yes.

25 THE COMMISSIONER: And as a coach and a Chef de Mission, you obviously must have heard long before

you observed Cheryl Thibedeau of the use of anabolic steroids in track and field and other sports. You knew it, did you not?

5 THE WITNESS: I knew of the use of anabolic steroids in the sport and in her case certainly was suspicious.

THE COMMISSIONER: Well, you knew it before you observed her, I take it?

THE WITNESS: Oh, yes, yes.

10 THE COMMISSIONER: And then I think you said Miss Thibedeau, who has testified here, lived in Kingston at the time before she came to Toronto, did she?

THE WITNESS: Yes. She lived in Kingston I think until Grade 11, part way through high school.

15 THE COMMISSIONER: Were you following her career as a young athlete in those days in Kingston?

THE WITNESS: Yes, I did.

20 THE COMMISSIONER: Are you friends -- were you a friend with Ms. Thibedeau or of the family? You seemed to have taken a special interest.

THE WITNESS: Not with the family, with her having --

THE COMMISSIONER: Did you ever coach her?

THE WITNESS: No, I did not.

25 THE COMMISSIONER: But you observed her?

You observed her progress --

THE WITNESS: Yes, I did.

THE COMMISSIONER: -- in Kingston. And did you consult with her when she decided to go to Toronto?

5

THE WITNESS: I wouldn't -- I would not call it a consultation. I would call it I was informed. She told me she was going to Toronto.

THE COMMISSIONER: And she was going to the York Center?

10

THE WITNESS: She was going to the York Center to work with the sprint program there, and to be coached by Charlie Francis.

THE COMMISSIONER: That was about 1984, was it?

15

THE WITNESS: I believe so, yes.

THE COMMISSIONER: You expressed some concern at that time before she came to Toronto, did you not?

20

THE WITNESS: I think I made my point to her that it probably in my view wasn't wise for a young athlete in high school to leave a community and leave her high school at that stage, that she should wait until she graduates.

25

THE COMMISSIONER: That wasn't any immediate concern of her going to the York Center. Would

that apply to her leaving Kingston and going to another place as well or did you have --

5 THE WITNESS: It had nothing to do with the uses of drugs. It was simply a reaction to a young athlete leaving familiar environment and going to a city. It could have been Ottawa, it could have been Montreal.

THE COMMISSIONER: When you observed Miss Thibedeau later on, I guess you did notice quite a dramatic change in her physique?

10 THE WITNESS: Yes, I did.

THE COMMISSIONER: And performance?

15 THE WITNESS: Yes, her performance was improving and her appearance was changing. And the other element was a recurring series of injuries which she suffered or continued to suffer from.

20 THE COMMISSIONER: You, as someone who has all the expertise that you have, would you not come to a pretty firm conclusion in your mind that she was being aided by some drugs to change her physique, performance, appearance?

25 THE WITNESS: Well, I can only reiterate again I was somewhat suspicious, but without having any evidence and the wherewithal to determine that I was no different than perhaps all the other coaches that made the similar comment and --

THE COMMISSIONER: Would you ever speak to her?

THE WITNESS: I beg your pardon.

THE COMMISSIONER: Did you ever speak to 5 her, Ms. Thibedeau?

THE WITNESS: No. Subsequent to that, I didn't see her very often because she was either in Toronto and participating in CTFA programs of which I was at that point I had not been involved with any. And on my 10 first sort of time to travel with her was in 1985 at the Americas Cup trials in Puerto Rico.

THE COMMISSIONER: Did you speak to her then about this subject?

THE WITNESS: No, I did not because she 15 was -- I was the Chef de Mission there representing as I said again all the countries, and she was an athlete who was in the Athletes Village.

THE COMMISSIONER: You were Chef de Mission of the Canadian delegation, weren't you?

THE WITNESS: No, I was Chef de Mission --

THE COMMISSIONER: Of the meet?

THE WITNESS: -- of the Americas group, 25 which involved Canada, Cuba, South America, Central America and the Caribbean Islands. And I did not have any direct responsibility for the Canadian team at that point.

The Canadian team at that point was under the direction of Gerard Mach, the Head Coach and High Performance Director.

THE COMMISSIONER: It was at that time that you began to observe Mark McKoy and Desai Williams?

5

THE WITNESS: No, at that point in 1985, Mark McKoy -- yes, I observed them.

THE COMMISSIONER: You didn't notice a dramatic change?

10 THE WITNESS: I did not notice anything dramatic in Mark McKoy or Desai Williams at that point.

THE COMMISSIONER: Not in '85?

THE WITNESS: No. Nor did I notice anything significantly different in Ben Johnson --

THE COMMISSIONER: What about Ben Johnson?

15 THE WITNESS: I beg your pardon?

THE COMMISSIONER: What about Ben Johnson?

20

THE WITNESS: I would say at the time I did not notice anything extraordinarily significant about Ben Johnson and his development that to me would suggest anything unnatural.

THE COMMISSIONER: But you were concerned about Miss Thibedeau at that time?

THE WITNESS: Yes.

25

THE COMMISSIONER: Well, then I think I said that later on you observed Mark McKoy and Desai

Williams?

THE WITNESS: Yes. That was sort of during the indoor season of 1987 at the World Indoor Championships in Indianapolis.

5

THE COMMISSIONER: What about Mr. Johnson?

THE WITNESS: He was there as well.

THE COMMISSIONER: Did you not notice any change in him?

10

THE WITNESS: To me it wasn't as dramatic and I suspect, to be honest, the changes to me weren't as evident in him as it had been in Mark McKoy and Desai Williams, and certainly Cheryl Thibedeau who I was familiar with from a --

THE COMMISSIONER: And Angella Issajenko?

15

THE WITNESS: There were changes there but they occurred over a longer period of time, and I can't say that -- if you look back, you can certainly see changes, but to me they weren't as evident, but perhaps it had something to do with sort of my interest level in those athletes.

20

25

THE COMMISSIONER: You expressed a concern for Cheryl Thibedeau because you had known her as a young girl, a young lady. What was your concern about her? Why were you concerned? You expected she was taking anabolic steroids, obviously?

5

THE WITNESS: I guess I was concerned about her welfare, having known her. It would be like someone who grew up in your town who you have seen and witnessed leave the town and go someplace else, so there is a concern for her welfare because she was, at the time, a young athlete.

10

THE COMMISSIONER: Were you concerned about her health and her athletic career?

15

THE WITNESS: All aspects of her career: her social development; her mental development, whatever.

THE COMMISSIONER: No. Particularly when you saw her appearance and suspected that she was being --

THE WITNESS: I do not know her parents, sorry.

20

THE COMMISSIONER: No. When you looked at
her appearance --

THE WITNESS: Her appearance.

THE COMMISSIONER: -- what was your concern?

25

THE WITNESS: The same concern that I

mentioned earlier, suspicion that perhaps she was utilizing steroids in order to create that development.

THE COMMISSIONER: And is that because that might embarrass the CTFA in the future if she were caught? Is that what you were concerned about?

THE WITNESS: No.

THE COMMISSIONER: If you were concerned about her health, I was wondering why you wouldn't speak to her?

10 THE WITNESS: I suppose one of the reasons,
had she -- had there been an opportunity, I perhaps would
have. As I say, once she moved to Toronto, we were -- I
did not see her. I know her own personal coach in the
past did not see her. She came to Kingston infrequently,
and when she did, there were no opportunities to meet with
her and discuss an issue such as that. There was always
the possibility --

THE COMMISSIONER: Then did this observation continue beginning in '84, '85 to '88? You had, I gather, become increasingly concerned over the years as to the use of anabolic steroids amongst some of the track and field athletes?

THE WITNESS: Yes, because it was an increasing problem throughout the world as well, and there were rumors at all levels of the sport. I believe team

doctors such as Dr. Stanish expressed concern about the steroid use on the Pan-Am team, and so forth. So my growing concern was again supported by observations and reports by other individuals.

5

THE COMMISSIONER: Well, then, taking you to 1988, when was it that -- you said you had talked to this coach at the York Center over several months?

THE WITNESS: Yes, over a number of months, we had met at meets, and --

10

THE COMMISSIONER: And he was not a sprint coach?

THE WITNESS: No, he was not a sprint coach.

15

THE COMMISSIONER: And he was not, as far as you were aware, using anabolic steroids with his own athletes?

THE WITNESS: No, he was not.

THE COMMISSIONER: So that -- and he was employed by the CTFA, was he?

20

THE WITNESS: Yes, he was employed by the CTFA, and as well by York University, but not at the same time.

25

THE COMMISSIONER: And he must have given you some pretty direct information because it alerted you to write a letter. What did he tell you?

THE WITNESS: Well, he spoke in very general terms. No names were mentioned, and I suspect he did that for a particular reason.

THE COMMISSIONER: I don't understand that.

5 He works at the CTFA. You're the President of the OTFA. You're a Director of the CTFA. I thought it would be a very high priority for you to seek out anybody who could assist you to confirm the concerns that you had?

10 THE WITNESS: Well, I guess my role is not to be investigative in that respect.

THE COMMISSIONER: Why not? I don't understand that.

THE WITNESS: This information was given to me in confidence and through a discussion.

15 THE COMMISSIONER: Well, he knew who you were. With all respect, you are very prominent in track and field in Canada. Everybody knows Mr. Lund.

20 THE WITNESS: Well, if he had said -- if he had given me an indication that he wished me to take this further and that he was willing to, I think he would have indicated. I certainly did not get that feeling from him. The other thing you should realize, he was not our full-fledged employee with the CTFA in the sense that he operated under a shared coaching grant. So he was given a certain amount of money by the CTFA in conjunction with --

THE COMMISSIONER: Well, wouldn't it be his duty as a paid employee -- you just mentioned that to Mr. Buckstein or Mr. DePencier. A paid employee has got a particular responsibility to cooperate in this very serious matter, and you're one of his employers, I sense?

THE WITNESS: No, I don't think I was one of his employers. I was a Board member.

THE COMMISSIONER: Well, you were a director of the CTFA and they paid him?

THE WITNESS: Well, I think the discussions that were held were coach to coach rather than him telling me so that I would pursue it, and I very deliberately after that --

THE COMMISSIONER: Well, you write a letter to the CTFA couched in rather vague language, and what --

THE WITNESS: Well, I can only restate my reasons for writing that letter in that language.

THE COMMISSIONER: Well, what did you expect him to do with it? If you won't provide him with the evidence, then --

THE WITNESS: I can only tell you what I would do if I had received that letter, and that might perhaps clarify my position.

THE COMMISSIONER: Well, what would you have done?

THE WITNESS: I would have struck perhaps an investigative body to look into the affairs and the occurrences in the Sprint Center.

5 THE COMMISSIONER: Well, you're a director of the CTFA. Why didn't you suggest that?

10

THE WITNESS: Because I'm a Board member, and my role as a Board member is not to become involved in the day-to-day affairs of the CTFA. So I wrote a letter in confidence to the two individuals who were directly responsible, the then President and the Chief Executive Officer who was responsible for staff, and also to the Chairman of the Board because he in fact is the senior volunteer in the organization. I did not want to and I could not in all fairness point fingers at any individual because I didn't have them.

15

THE COMMISSIONER: Why couldn't you ask your coaching friend, who is an employee of the CTFA? How would that risk his future if he was helping the CTFA clean up a very serious mess?

20

THE WITNESS: Well, I suppose you'd have to understand sort of the environment at the time, and as I say, historically, you'd have to go back and examine how the Sprint Center emerged and operated, and it would take an extremely long time. However, let me just say --

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THE COMMISSIONER: Excuse me, Mr. Lund,

let's be more direct now because I know I'm not being difficult. Over these years, there has been quite a mess going on within the organization. You know that now. It's easy to see it in hindsight. We're trying to find 5 out why this happened and how it can be avoided in the future. If you write a letter to the CTFA and they write back and say "If you've got any information, please let me know," what could they do with your letter?

10 THE WITNESS: Well, had I been -- well, first of all, be aware that I wrote that letter without the knowledge that other overtures had been made by such individuals as coaches at the University of Toronto. Had I been aware of that, plus other overtures of the CTFA, I perhaps would have been a little more assured of something 15 in addition, to doing something in addition to that. The coach did not mention names. He spoke in general terms, and it --

20 THE COMMISSIONER: But he obviously had information that if you pursued it he probably could have been of great assistance. He's right there. He's on the site, this coach.

25 THE WITNESS: Well, he did not tell me that he had seen or had observed or had participated in anything that would suggest that. He was reacting to a very general concern that he had at the Center.

THE COMMISSIONER: Well, you didn't pursue it and say "Look it, now, we need your help. You're an employee of the CTFA, and I'm concerned what's going on. Everybody else is. Tell me what you know."?

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THE WITNESS: Yes, I suppose I could have done that. There were probably a number of other things I could have done, and I suppose anyone who sat in this chair to this point could have done something different as well. But at the time, I believe I thought my options out carefully, and I did not want to identify or be seen as being disruptive or starting a witch hunt, and therefore I felt that if in fact the CTFA would look into the affair in general terms, that perhaps some of the evidence would come forward and be identified, and if there was nothing there, then of course the exercise would have been fine.

The other part to this is that these athletes in question had all tested positive. So there was always that feeling that, yes, they had all been through tests; therefore, somehow, perhaps there was an element of doubt.

THE COMMISSIONER: Well, did you know very much about anabolic steroids in those days? Did you know that the tests after competition were really quite ineffective?

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THE WITNESS: At that time, I was perhaps

was not as knowledgeable as I am now about the effects of tests and duration and the possibilities of masking the steroid use that had been done.

THE COMMISSIONER: Now I think you mentioned also, in answer to Ms. Chown, that at that time, you had some concern for your personal safety if this matter was pursued. I didn't quite follow that. You weren't asked further questions about it, so could help me with that?

10 THE WITNESS: I guess at the time, reading
the extent to which steroid use was being used throughout
the world, and again it had perhaps less to do with the
specifics in Canada, but that to become proactive as
individuals, that this issue of drug use in the world, and
if you recall it was about the same time that David
Jenkins, the British middle-distance runner, was under
investigation and subsequently convicted in the U.S. of
steroid scandal, we began to or at least I began to think
that the use of steroids was perhaps much wider than a
simple coach administering it to an athlete. It might be
bigger than we could handle. So I was suggesting at that
point perhaps we should, as volunteers, be careful of how
involved we become in this.

THE COMMISSIONER: Well I appreciate your
25 role as a volunteer, but at the same time, you assumed

responsibility as a Board member, whether you were a volunteer or not?

5 THE WITNESS: Well I don't deny that that's a fact, but I do feel that as a Board member I functioned as effectively as I could given the circumstances at hand. So I really -- I would challenge you on the fact that I did not fulfill my duties as a Board member, because in fact as a volunteer, I exercise judgments at each meeting and in each situation.

10 THE COMMISSIONER: Why I was asking that question, in a very lengthy article you wrote for the Globe and Mail, I don't detect hardly anything here that would suggest programs that the OTFA or CTFA were somewhat remiss in their duties. They seem to blame the Government 15 of Canada for the demise of Mr. Johnson, which I was rather puzzled to see.

20 THE WITNESS: I believe if you look through the minutes of the CTFA, you will find a number of comments made by myself, and I'm not prepared to assume the responsibility, but I did mention it to my other colleagues on the Board that we all have to share some of the responsibility for not doing more. However, in hindsight, I'm not sure that I would have done anything different, in my respect; but yes, in fact had we known 25 what we know now, it's very easy to suggest we should have

done perhaps more and been more proactive.

5 THE COMMISSIONER: No. I understand and appreciate your intentions, but one of the problems I'm having is at the very beginning of the Inquiry I indicated that it's important to find out what went on in the past so that we can avoid the mistakes in the future. You agree with that, don't you?

THE WITNESS: Yes. When the --

10 THE COMMISSIONER: And I'm just wondering whether there were certain things that could have been done which weren't done, which came up in the future but had to be done?

THE WITNESS: In terms of the operation of the Sprint Center, I can be very specific. The --

15 THE COMMISSIONER: No, I'm talking about the moment, the OTFA and the CTFA, and then we'll come to the Sprint Center in a minute because you like it sort of neutralized, is your language in your report, in your letter.

20 THE WITNESS: Are you suggesting that we could have done more?

THE COMMISSIONER: M'hmm.

25 THE WITNESS: Yes, I think you're probably right; we could have done more. I suspect that based on the modus operandi of the associations involved now, I

think you would see and you have seen -- and that's perhaps one of the reasons why the OTFA took such a proactive stance and position following the events in Seoul in the sense that --

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THE COMMISSIONER: Well, let's talk about that.

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THE WITNESS: No. Let me finish. We had been through a situation where we had taken the word of the staff of the CTFA, and at this point, we felt that we witnessed what occurred, and I think at that point I, as a Board member, made a conscious decision not to allow that to happen as long as I was going to be sitting on that Board. I acted in a discipline manner prior to that because that in fact had been sort of the indication that as Board members, you must discipline yourself; you must not become active in the affairs of the Association. That is the responsibility of staff. If you look back, we had an extremely well-qualified and well-paid staff at that time, I think numbering something in the neighbourhood of 20 28 to 32 staff members.

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THE COMMISSIONER: Well, you conducted a few investigations yourself, I gather, the one with the coach in London and the Dajia, Spiritosa and Gray hearings?

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THE WITNESS: Yes. I learned from the

first one that I needed legal support for the second one,
and that's why --

5 THE COMMISSIONER: And then I think you
were on a committee apparently struck by the CTFA October
1988 following Seoul and following the point of this
Inquiry, and did you call athletes before you then to ask
whether they were taking anabolic steroids?

THE WITNESS: No, I was not on the
investigative committee.

10 THE COMMISSIONER: You were not on that
committee?

THE WITNESS: No.

THE COMMISSIONER: Well, now, in March of
1988 you passed these resolutions?

15 THE WITNESS: Yes.

THE COMMISSIONER: And that was in the --
our Inquiry was just proceeding along the line at that
time. Did you not know, and the evidence is that
heretofore it's sort of been a routine answer for all
athletes who are taking steroids to deny, deny, deny is
what the motto had been, and you had experienced that
20 yourself?

THE WITNESS: Yes, we had.

25 THE COMMISSIONER: And this resolution
passed in '88 in a sense told anybody who would come forth

to testify that they admitted their use of steroids, that they would be penalized?

THE WITNESS: The exact wording was that their records would be stricken, yes.

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THE COMMISSIONER: Well, they would be penalized and they might read more into it than that. Why did it have to be done, with all respect, in March of 1988? What were you accomplishing then? Why tell athletes if they admit something that they are going to be penalized without hearing from them or letting them know the explanation, and perhaps it's a mitigating factor to help with the Commission and make admissions, things which help clear up the mess, and then be penalized specifically for it?

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THE WITNESS: Well, there are a couple of points. One point is I don't think -- you can certainly interpret the striking of records as a penalty, yes, but it didn't suggest broader penalties. I think we were reacting as a Board of Directors on information that --

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THE COMMISSIONER: Well you've conducted inquiries, Mr. Lund. You know how difficult it is. You know that when this Commission started, we had, apart from Mr. Johnson being disqualified in Seoul and we had his denial that he never took anabolics, we had no evidence of anybody taking anabolic steroids; none. It was only

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through the work of our investigators and our counsel that we were able to bring forth witnesses. Nobody was knocking at our door to say that "We want to make admissions." But here you are, in the middle of our Inquiry, telling people to make admissions and they are going to be penalized. I don't understand why you would do that?

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THE WITNESS: Again, I can only suggest that we responded again as a Board to the responses we were getting from our membership and from Board members who were coming to us and saying -- so it wasn't something that I personally went to that meeting to suggest we're going to --

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THE COMMISSIONER: Well the CTFA, which is the bigger organization, they didn't take that procedure. They waited until our Inquiry was over.

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THE WITNESS: No, I think the OTFA as a group was very critical of the CTFA for the inactivity that in fact they showed. They did not take a stance, and if you recall, there were two motions, one related to a coach and, secondly, one related to athletes, and we were concerned that the public --

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THE COMMISSIONER: But you were discouraging people from coming forth and telling the truth. I'm sure that wasn't your intent?

THE WITNESS: That certainly wasn't the intent, and I believe if you recall our reply to you, sir, we apologized for that having happened, and it was, at the beginning, the first instance we had been told directly that we should not participate or take any action.

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But let me come back to the two issues. One was the coach and the other was the athletes, and we were concerned that here was an instance where a coach had admitted publicly, was now on the stand and was becoming somewhat of a cultural hero, and we were concerned again that the wrong message was coming through, through our membership back to us, that in fact there were grounds for suspension of that coach.

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THE COMMISSIONER: Well, he had already testified, but we were concerned about others. Anyway.

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THE WITNESS: Subsequent to the testifying, he had not received any sanction from the CTFA other than a suspension. We were concerned if that hadn't occurred, then the subsequent act was that he was continued being paid up until the present time.

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THE COMMISSIONER: Well, I'm speaking about the question of telling athletes if they tell the truth, they are going to be penalized.

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THE WITNESS: I can only respond to that by saying that we took that decision and we took that stance

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after a considerable debate, and our reaction was related to the sport, in the instance of what the sport required at that point, and it was in response to feeling pressure by our membership. There was no attempt to undermine the actions and the work of the Inquiry, and in some defence, perhaps we were a little -- we perhaps weren't as knowledgeable about the judicial inquiry process that had occurred.

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THE COMMISSIONER: All right. Well, now, looking to the future, you're suggesting that Sport Canada sort of remove itself from some supervision of the national sports organizations? Is that how I read your thesis? Is that what your thesis is, in part?

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THE WITNESS: My view, I think, is that government agencies should perhaps be somewhat more distant from the actual sport governing body and the operation of that component. So there should perhaps be --

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THE COMMISSIONER: Well up to now, since 1983, Sport Canada, on the doping control aspect, has insisted that every national sports organization submit a plan for doping control?

THE WITNESS: Yes.

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THE COMMISSIONER: And it insists that every sports federation have the carded athletes sign a

contract with the sports federation?

THE WITNESS: Yes.

THE COMMISSIONER: Including a clause that
they will not use or be in possession of anabolic
5 steroids?

THE WITNESS: Yes.

THE COMMISSIONER: Are you substituting
that be left now only to the sports organizations and not
the Government of Canada?

10 THE WITNESS: No. I think that's a very
important issue which the Government of Canada should be
concerned about, and that process could occur and should
occur, that there should be dialogue and direction from
the government on issues such as that because it does
15 relate to the health and welfare of the sport and the
athletes.

20 THE COMMISSIONER: Well, where should they
divest themselves? I wasn't quite clear. What do they do
that you're complaining about? I have no brief for Sport
Canada or anybody else. I'm just trying to find out what
suggestions you have which would improve the system?

25 THE WITNESS: Well, it's difficult to
present a solution in a simple answer, but in fact my
example I think in the article suggested that in the arts,
the Canada Council operates as a grant approving agency,

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and in this instance, the sport itself must go to Sport Canada and negotiate for the grants and so forth. So I'm suggesting that an independent council made up of citizens, people with expertise, people with interest, be empowered to administer the grants.

THE COMMISSIONER: Like the Canada Council?

THE WITNESS: Similar to the Canada Council.

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THE COMMISSIONER: But on the question of doping control, who should have the major responsibility to supervise the athletes? Isn't that a sport federation responsibility? If you get funded by the Government of Canada, why isn't it the responsibility of the sport federation to make sure that their act is clean?

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THE WITNESS: I think you're correct. I read into your earlier question that the government shouldn't be involved in doping control. Yes, they are involved in saying that this is important, show us your --

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THE COMMISSIONER: But so far, it has been left up really to the national sports organizations?

THE WITNESS: But ultimately, it's the responsibility of the national sports federation to ensure that its sport follows the rules.

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THE COMMISSIONER: And then as far as funding for doping control, should that be an added

element of the cost, or should that be born by the sport federations themselves out of amount budgeted for them?

5 THE WITNESS: Well, I think that element should be part of a funding process through government because it is important. It doesn't suggest that the government, as a sports federation, cannot obtain funds to develop a drug education program.

THE COMMISSIONER: Right.

10 THE WITNESS: But I would think that it becomes one of many issues, many of the funding areas that the government or the sports federation or organization participate in. It's very, very -- it may be attractive for commercial interest to fund a drug education program, and that could be seen as becoming or being a very good corporate citizen.

15 THE COMMISSIONER: Well, thank you very Lund. I don't want to appear to be critical. I'm trying to search, to look at the past to see whether a process could be devised that we could avoid mistakes in the future, and I appreciate your help very much.

20 THE WITNESS: Thank you very much.

 THE COMMISSIONER: The morning break.

--- A short break was taken.

--- Upon resuming.

25 THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr.
Commissioner.

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We are now about to call a number of
witnesses who appear from the Canadian Track and Field
Association, and may I just make a few comments about that
evidence before we call the first witness.

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First of all, we did have scheduled to
follow Mr. Lund, Mr. Cecil Smith, the Executive Officer of
the Ontario Track and Field Association, but he has a
long-standing medical engagement today and was
unavailable. It may be that if our schedule permits and
his permits, we will fit him in during the course of this
week.

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So far as the Canadian Track and Field
Association is concerned, may I simply say at the outset
that from sometime in late October or so, as was the case
with the Sports Medicine Council of Canada, Sport Canada,
the Canadian Olympic Association and other organizations,
we invaded the Canadian Track and Field Association, and
like those organizations that I've just mentioned, they
have been extremely cooperative, both Mr. Dupre and his
staff and their counsel, Mr. Bourque, in making our task
as counsel much easier.

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We are going to call first -- I'm just going
to give you the lineup here -- Mr. Paul Dupre, who is

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President and Chief Executive Officer of the Canadian Track and Field Association, who will, like some of the other witnesses have done, give you the organization and structure of the CTFA and put the organizational structure in context, as it were, for the purpose of assisting you in better appreciating the balance of the evidence. Mr. Dupre is going to return as the final CTFA witness at the end of this segment to speak to certain other matters, including issues that arose at Seoul, that are of particular interest and concern to the CTFA. He's going to speak, at the end of the evidence when he appears the second time, to the current situation in respect of doping generally, and of course most importantly, to the future and where the CTFA fits in, where it sees itself going in the future with this important issue.

Following Mr. Dupre's first appearance on the witness stand this morning, we expect to hear from Tom MacWilliam, who was the Technical Director of the Canadian Track and Field Association from '79 to '84 and then from '84 to '87 was employed as a consultant. It was he who was responsible for the development and implementation of the CTFA anti-doping program up to about 1987. He will be followed by Mr. Bruce Savage, who is a Director of the Canadian Track and Field Association and the person directly responsible for the anti-doping program since

1987.

The balance of the witnesses, Mr. Bourque and I have not set a precise order. He probably thinks we have and we may well have, and I may have it wrong. But 5 in any event, the balance of the witnesses are Mr. Steve Findlay, whose evidence was started but not completed some time ago. He's the Athletes' Services Representative, and he has some particular things to say about the issue of doping and drugs.

10 Mr. Don Fletcher, a former Executive Officer of the Canadian Track and Field Association, will be called to speak to particular issues that arose during the course of the evidence; Mr. Wilf Wedmann, Mr. Dupre's predecessor, a former President and Chief Executive 15 Officer of the Canadian Track and Field Association, again to respond to certain issues that have arisen and will arise during the course of the evidence in this segment.

Then Mr. Jean-Guy Ouellette, the Chairman of the Canadian Track and Field Association; Mr. Chris Kelly, 20 the Financial Controller of the Canadian Track and Field Association whose evidence will be quite brief and directed, as I understand it, to one particular incident that arose during the course of the evidence; finally again, as I indicated earlier, Mr. Dupre.

25 Now absent from that list is an important

absentee and that's Mr. Gerard Mach, who was national team coach for many, many years of the Canadian track and field team. Unfortunately, illness prevents his attendance here as a witness.

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We have had the opportunity early on of

5 We have had the opportunity early on of meeting him personally at the offices of the Canadian Track and Field Association last December, but unfortunately we will not have the benefit of his evidence which, of course, would have been helpful at this stage of our Inquiry when we have so much information, but his illness is just such that at the time he is not available.

THE COMMISSIONER: Very well.

10 MR. ARMSTRONG: So that, Mr. Commissioner, is in general terms the run down. And with your permission, I propose to ask Mr. Dupre to step forward as our next witness.

THE COMMISSIONER: Yes.

15 PAUL FRANCOIS DUPRE: Sworn
--- EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: Mr. Dupre, you have the distinction of being our 100th witness in this Inquiry.

20 THE WITNESS: Do I get a cake for that, Mr. Commissioner? Thank you, sir.

THE COMMISSIONER: I think we should all have a cake.

25 MR. ARMSTRONG: Just before starting my questioning of Mr. Dupre, I propose to file as the next

Exhibit a copy of his Curriculum Vitae

THE COMMISSIONER: Thank you. What is the number, Mr. Registrar?

THE REGISTRAR: It will be 251.

5 THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 251: Curriculum Vitae of Mr. Paul Francois Dupre.

10 THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG:

Q. Yes, thank you. Mr. Dupre, looking at your background on the first page of your CV I note that in 1962 you received your BPE, Bachelor of Physical Education, Honour's Degree from the University of Ottawa; is that correct?

A. That is correct.

Q. And then in 1974 after a further study at the Faculty of Education at the University of Ottawa, you received your Masters Degree in Education Administration?

A. That is correct.

Q. And then to complete your formal education, in 1977 at the School of Physical Education and

Recreation at the University of Ottawa, you received a Masters Degree in Physical Education Administration; is that correct?

A. That's correct.

5 Q. Then looking at your employment history, which is set out at page 2, working from the bottom of that section up, from 1972 to '73 you were Program Coordinator and Assistant Football Coach in the Athletic Department of the University of Ottawa. And then 10 from '73 - '74 you were Assistant to the Director and Assistant Football Coach in the Athletic Department?

A. Correct.

Q. And from 1974 to 1976, you were Sports Information Director and Assistant Football Coach in the 15 Athletic Department at the University of Ottawa?

A. That is correct.

Q. Was it 1975, I believe, that the University of Ottawa managed to win the Vanier Cup when you were one of the assistant coaches?

20 A. One of the good memories from my coaching days, yes, the University of Ottawa was successful in defeating the University of Calgary in the national final.

Q. Then from 1976 to '77, you were a 25 lecturer in the Department of Physical Education at the

University of Ottawa?

5 A. You have to understand that at the University of Ottawa the School of Physical Education and Recreation at that time was comprised of four departments: the Department of Recreology, the one of Kinanthropology, the Athletic Department, and the Physical Education Department. And it was certainly very common for the majority of us to have cross appointments from one department to another in our fulltime employment with the

10 university.

Q. Then you left the halls of academe in August 1977 and joined Fitness Canada as a Sport Participation Consultant in the Fitness and Amateur Sport Branch in the Government of Canada?

15 A. That is accurate, yes.

Q. Then from '79 to '81 you had the title Senior Sport Consultant in Sport Canada. And then from '81 to '88, you carried the title Senior Management Consultant, Association Management Unit, Sport Canada.

20 A. Yes, that's correct.

Q. Can you just give us a general capsulization of what your functions were with Sport Canada during the period say '81 to '88?

25 A. The basic role of a consultant in the management area is to act in a liaison and primary contact

on behalf of Sport Canada with national sport organizations.

5 And in this regard, consultants actually provide guidance and assistance to national sport organizations as it pertains to government policy. And also make recommendations for funding to Sport Canada management and eventually to the Minister as to what should be allocated to national sport organizations.

10 In addition to that, management consultants work on very specific projects along with program managers in Sport Canada, be it in the area of coaching or high performance centres, or other for very specific projects and are involved with national sport organizations' representatives in activities like planning and evaluation 15 for the quadrennial period, Olympic cycles, or for a given project for that matter.

THE COMMISSIONER: Who would you report to in that capacity?

20 THE WITNESS: In that capacity I was ultimately responsible to the Director General of Sport Canada.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

25 Q. During most of the period that you were

there, I take it the director general was Miss Abby Hoffman?

A. Yes. Ms. Hoffman joined Sport Canada after I had been there for a number of years, but yes.

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Q. All right. And which sports did you have responsibility for as a consultant when you were at Sport Canada?

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A. Well, throughout the tenure, the portfolio responsibility certainly varied, and I am probably not going to give you an exhaustive list, but I had the pleasure of dealing with both winter and summer Olympic sports, particularly early in the 1984 to '88 period with winter Olympic sports like speed skating and figure skating at the time that Sport Canada introduced its Winter Best Ever Program, which eventually became the Summer Best Ever program.

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As far as Olympic sports on the summer programs, I have worked with basketball, rowing, cycling, judo and many others.

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Q. All right. Then last spring or the spring of 1988, the President, Chief Executive Officer of the Canadian Track and Field Association resigned, Mr. Wilf Wedmann, to take another position in sport. And you were one of several applicants for the position of President and Chief Executive Officer?

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5 A. That is correct. Mr. Wedmann's resignation was tendered during the spring, the month of March to be more specific. The CTFA, as a national sport organization, then engaged in to a staffing exercise via advertisement for the position.

10 I applied for the position along with a fairly long list of applicants, was short listed with a number of other candidates, was interviewed for the position in mid June, and assumed responsibility early August.

Q. I suppose one of your early responsibilities was to attend the Olympic Games in Seoul?

A. Yes, it was.

15 Q. Somebody said, I can't remember who it was, that timing is everything, and you seemed to have arrived right on time.

20 Then let me just cover a couple of other matters from your CV. Under the heading Professional Activities, again you are shown in June 1989 as a delegate of the Canadian Track and Field Association to the Second World Seminar on Doping at Monte Carlo, which was just held two months ago, I guess, is that so?

25 A. Yes, that is accurate, along with two other representatives and delegates of the CTFA. We did make a presentation of a paper concerning views of the

Canadian Track and Field Association for
out-of-competition testing.

Q. All right. And in November 1988 you attended a meeting in Sweden, the seminar on
5 out-of-competition testing as a delegate of the Canadian Track and Field Association?

A. Yes, that is accurate.

Q. At page three of your CV you are shown
10 as a category A member of the Canadian Olympic Association?

A. Yes, that's correct.

Q. And in April 1988 you were co-ordinator
15 of a symposium for coaches of the Canadian team at the 1988 summer Olympic Games. That would have been when you were still at Sport Canada?

A. The view of the symposium was to allow coaches who had been selected by their respective national sport organization as coaches of the team or their respective sport in Korea to do not only an information and briefing session on Seoul and the environment, but also to do an exercise with coaches related to team building and final preparation of athletes en route to the Olympic Games. So, along with a number of colleagues in Sport Canada, I co-ordinated the symposium.

25 Q. And then looking at page 4 picking up

two or three of the highlights here, in 1982-'83 you were a member of the study group for University Sports Study, involved in a review of the mission statement for the CIAU in the area of high performance sport?

5 A. Yes, one of the portfolios, one of their responsibilities that I had as a consultant when in Sport Canada was specifically to deal with the CIAU. And in this regard along with members of the Sport Canada management, we undertook a number of projects in conjunction with the CIAU and that was one of them.

10 Q. And them in 1977 to '79 you were Sports Director and color commentator for radio station CJRC and you told me that in that position you were responsible for the radio broadcast in the French language of the Ottawa Roughrider games, is that so?

15 A. Yes. I am not too sure if I would accept the same position these days, but I certainly did. At that time, I was coaching at the university and working at the university and it is something that the Dean of the day allowed me to pursue. So, I did color commentary on French broadcast of the Ottawa Roughriders.

20 Q. All right. And then another important part of your background and CV is your various positions in the RA or the Recreation Association of the Ottawa Civil Service culminating in 1988 as President of the

Ottawa Civil Service Recreation Association, which is an association of some 26,000 members with an annual operating budget of \$7 million?

5 A. Very important and prominent organization within Ottawa as it pertains to the civil service. In fact, the RA renders to government employees a number of services in the area of sport, fitness, and recreation, that the government itself as an employer is not really capable of doing.

10 So, we undertake a number of programs in this area and make it available not only to those 26,000 members but their immediate families as well.

15 MR. ARMSTRONG: All right. Then, Mr. Commissioner, before I ask Mr. Dupre a number of questions about the organization and structure of the CTFA, there are a number of background documents that deal with the subject in general terms that I would like to file.

20 First of all, I have a document in English entitled the Canadian Track and Field Association, which you will find helpful, I am sure, in understanding the organization and structure of the association.

25 There is a similar document in French entitled L'Association Canadienne Athletisme. And I would ask that the English version be marked as the next exhibit.

THE COMMISSIONER: 252.

THE REGISTRAR: 252.

MR. ARMSTRONG: And the French version 253,
if we could.

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THE REGISTRAR: 253.

--- EXHIBIT NO. 252: Document entitled "Canadian Track
and Field Association"

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--- EXHIBIT NO. 253: French version of Exhibit No. 252

MR. ARMSTRONG:

Q. Then there is also a useful document
that you will want to refer to from time to time entitled
15 the Canadian Track and Field Association Quickfacts, which
I propose, Mr. Commissioner, to be marked as the next
exhibit.

THE REGISTRAR: 254.

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MR. ARMSTRONG: And there is also a French
version of it.

THE COMMISSIONER: That will be 255.

THE REGISTRAR: 255.

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--- EXHIBIT NO. 254: Document entitled "Canadian Track
and Field Association Quickfacts"

--- EXHIBIT NO. 255: French version of Exhibit 254.

5 MR. ARMSTRONG: Then, Mr. Commissioner, I propose to file simply one copy of the published book Rules and By-Laws of the Canadian Track and Field Association as the next exhibit.

THE COMMISSIONER: Thank you.

THE REGISTRAR: 256.

10 --- EXHIBIT NO. 256: Rules and By-Laws of the Canadian Track and Field Association

MR. ARMSTRONG:

15 Q. Perhaps this just might be an appropriate spot to ask Mr. Dupre a question about the Rules and By-Laws that we have just marked as Exhibit 256.

20 As I understand it, Mr. Dupre, those are the Rules and By-Laws that have been enforced for the last four or five years during the Olympic quadrennial 1984 to '88?

A. That is correct. From time to time throughout the quadrennial there were few minor changes, but that is correct.

25 Q. All right. And then as I understand

it, we are now into the quadrennial that looks to the 1992 Olympics in Barcelona and you have gone through a process of revising the Rules and By-Laws of the Association bringing them up to date for the current quadrennial?

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A. Very much so, and that has occurred at the 1989 annual general meeting last June.

MR. ARMSTRONG: All right. Mr. Commissioner, Mr. Dupre has provided a single copy of the 1989 Revision.

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THE COMMISSIONER: Is that a consolidation?

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THE WITNESS: It is a consolidation and an alignment. In many instances you have heard, Mr. Commissioner, some earlier evidence related to appeals committee and procedures of this nature. So, there is consolidation and embellishment of some of the procedures in this regard.

THE COMMISSIONER: Thank you. 257.

THE REGISTRAR: 257.

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--- EXHIBIT NO. 257: CTFA Handbook of Rules & By-Laws
(1989 Revision)

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MR. ARMSTRONG: Thank you very much. I will just hand it up to you after the Registrar marks it.

There is just one copy available.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: Thank you.

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MR. ARMSTRONG:

Q. Then finally while we are marking all of these Exhibits, Mr. Dupre has provided me with a copy of the International Amateur Athletic Federation, that is the IAAF Handbook for 1988-1989 which contains the rules of the IAAF under which the CTFA also operates; is that so, Mr. Dupre?

A. That is correct, specifically the technical rules which are included in this Handbook. And similarly as you have just described, the Handbook and the Rules and the By-Laws of the IAAF will shortly get modified for the period of the Olympic cycle of '89 to 1992. And that is just about to happen at the Congress of the International Amateur Athletic Federation in the first week of September in Barcelona, Spain.

20 MR. ARMSTRONG: All right. Again there is just one copy of the IAAF Handbook, and I would ask, sir, that it be marked as the next exhibit.

THE REGISTRAR: 258.

THE COMMISSIONER: Thank you.

25 MR. ARMSTRONG: Sorry, we have got -- we

can give this back to the Registrar and you have got your own copy.

THE COMMISSIONER: All right.

MR. ARMSTRONG: Do you have a copy, Mr. Dupre, with you?

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THE WITNESS: No, I don't.

THE COMMISSIONER: IAAF Handbook. What Exhibit is this?

THE REGISTRAR: 258.

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THE COMMISSIONER: 258, thank you.

--- EXHIBIT NO. 258: IAAF Handbook 1988-1989

MR. ARMSTRONG:

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Q. All right. Now, I would like to take you, Mr. Dupre, to the document marked the Canadian Track and Field Association, and I am not sure what Exhibit No. that is.

MR. BOURQUE: 252.

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MR. ARMSTRONG: 252, thank you, Mr. Bourque.

MR. ARMSTRONG:

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Q. And in particular I think we should -- I propose to have Mr. Dupre read this into the record. I

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know that we can all read, but I think it is something that should be read now. It is the mission statement at the back, about the fourth page from the back of this document. It is not very long and it will put into context what the CTFA's mission is. Would you just read it.

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A. The mission statement first gets revised on again a quadrennial basis. The last mission statement as a result of strategic and operational planning of the CTFA dated back to 1984. At our annual general meeting in June in Ottawa, the mission statement was slightly modified, whereby the Canadian Track and Field Association is committed to Canadian high performance and domestic athletics as its mission.

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The actions, the decisions, the evaluations are based upon the development and maintenance of high performance and domestic infrastructures. And this is where the modifications do come to play to this mission statement. Both high performance athletics and domestic athletics have now been clearly defined in the corporation's mission statement.

25

First of all, high performance athletics reflects performance at its highest level of international competition sanctioned by either the IAAF or games agencies. Programs which advance the aim of athletes

5 towards reaching the top 16 in the world will be supported by the Canadian Track and Field Association.

As to the domestic athletics, it reflects a segment other than the one in high performance. And athletes who are developmental in a nature are those consistently striving toward higher levels of performance. The programs which advance the aims of these athletes will be supported by the Canadian Track and Field Association.

10 Q. Then in this same document, Mr. Dupre, I would like to ask you to go over to the next page which is the organization chart really in its broadest terms of the sport of track and field or athletics as it exists from the IAAF down to the local club.

15 And just looking at this organization chart, first of all, we have heard from representatives of the OTFA that their constituent members are the individual clubs. Who are your individual or constituent members?

20 A. From the clubs who actually comprise the branches of the Canadian Track and Field Association, the branches constitute the constituencies of the Canadian Track and Field Association. There is a branch in each province and in one territory.

25 Q. So, there would be 11 branches I take it?

A. Uh-huh.

Q. And then could I just move you up the organization chart to your Board of Directors. How is the Board of Directors constituted?

5 A. The branches are regrouped in some parts of the country geographically to then appoint a representative to the Board of Directors of the Canadian Track and Field Association.

10 So, on the Board of Directors, you will find a representative from the Atlantic territory, from Quebec, from Ontario, from the Prairies, as well as from the Pacific territory.

15 In addition to this, the membership at large elects at the annual general meeting every year three directors to join with the ones that I have just defined for you to comprise the Directors of the Canadian Track and Field Association.

20 In addition to this, the positions of Chairman of the Board, Vice Chairman of the Board are elected by the membership at the annual general meeting. And the position of Secretary Treasurer and mine complete the composition of the Board of Directors of the Canadian Track and Field Association for a total of 12 members and Directors of the Association.

25 Q. Is the Secretary Treasurer, is that an appointed position as yours is?

A. Yes, it is, but it is not -- it is not a professional staff or an employee position. It is one recruited from interested areas in the sport -- in the area of financial management.

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Q. So, is the Secretary Treasurer then a volunteer?

A. Yes, that is correct, yes.

Q. I see. And does he or she sit on the board?

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A. Yes, and as such is entitled to any appointments to committees or appeal groups or any other investigative body that the Board of Directors may wish to strike from time to time.

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Q. You as President, Chief Executive Officer, are you a member of the board as well?

A. Yes, I am.

20

Q. You mentioned the regional appointments. There is one from the Atlantic Region which would obviously comprise the three Maritime provinces plus Newfoundland, I take it?

A. All of the branches west of the Province of Quebec.

Q. Then Quebec and Ontario each get a member, and then the Prairie provinces are --

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A. Manitoba, Saskatchewan, and Alberta get

one member.

Q. Right.

A. And then the Pacific territory
comprised of British Columbia and the Northwest Territory
5 comprise the territory and appoint one member to the
Board.

Q. The Chairman is elected and we know him
to be Jean Guy Ouellette; you said the Vice Chairman is
elected, who is that person?

10 A. The current Vice Chairman is Mr. Brian
Langley from Halifax.

Q. Then there are three members at large;
and who are those three members at the present time?

15 A. They are elected by the membership and
presently Director Bruce Savage from Ontario, the other
director is Maureen Switzer. Madam Switzer is from the
province of Manitoba, specifically the town of Winnipeg.

20 And the other Director at large, which is a
position that was up for election at the 1989 annual
general meeting, is Mr. Lou Robinson from British
Columbia, specifically Vancouver.

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Q. Now, like the Olympic organization, do you have something called an Athletes' Council or Athletes' Commission?

5 A. We do have an Athletes' Council, and the President of the Athletes' Council is a member of the Board of Directors of the Association.

10 Q. All right. I think we heard from at least one athlete who had been President of the Athletes' Council and who sat on your Board. Who is the member of

the Athletes' Council now?

15 A. The current President of the Athletes' Council is Mr. Kyle McDuffie from Edmonton. He's a long jumper and bronze medalist at the Commonwealth Games and currently the member on behalf of the Athletes' Council sitting on the Board of Directors.

20 For your information, the Athletes' Council is actually elected by the national team athletes and the senior athletes at the time of the Senior Outdoor Championship, and each event group nominates and elects one athlete to the Council. So one from hurdles, one from sprints, one from throws, jumps, middle distance, on-track off-track, so on and so forth. From these elected individuals, the President is then elected.

25 Q. All right. Then let me move right up to the top of the organization chart and the IAAF. I take

it that there is an analogy to be drawn in the Olympic movement in the sense that the Canadian Olympic Association, for example, holds the franchise, as it were, from the International Olympic Committee. You, as the 5 Canadian Track and Field Association, hold the franchise for track and field in Canada from the International Amateur Athletics Federation; is that correct?

A. That is correct.

Q. All right. How many countries are 10 members of the IAAF?

THE COMMISSIONER: Well, if you look at page 44, they are broken down here. 48 from Africa, and --

15 THE WITNESS: The IAAF is organized in areas, as the Commissioner is pointing out.

THE COMMISSIONER: 48 countries in Africa; 41 from Asia; 35 from Europe; Oceania has 13; North and Central America, 32.

THE WITNESS: That is accurate.

20 MR. ARMSTRONG: What's the total of that?

THE COMMISSIONER: What's the total, Mr. Dupre?

THE WITNESS: That should be 182, Mr. Commissioner.

25 THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. Okay. Indeed, I think somewhere in the material, and certainly you told me, that by virtue at least of the number of countries that belong to the IAAF, it is the largest international organization in the world?

A. It is.

Q. All right. What does the Canadian Track and Field Association pay to belong to the IAAF?

A. The annual dues of the Canadian Track and Field Association to the IAAF is \$250 U.S.

Q. Does Canada -- is it set up with -- I'm sure we'll find it in the book, but is it set up with a Board of Governors and Directors and so on?

A. The IAAF is set up with a Council, which is the equivalent of a Board of Directors in our system and in our jargon and terminology, yes.

Q. At the present time, does Canada have a member on that Council?

A. No, Canada does not.

Q. We'll be hearing from Mr. Ouellette during the course of the week, but I understand he is the only Canadian who is a member of one of the committees of the IAAF?

A. Mr. Ouellette, you will hear, is a

member of a subcommission. We have other Canadian members of working committees of the IAAF, yes.

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Q. All right. Then as indicated earlier, I take it that part of the obligations in return for the benefit of holding the IAAF franchise in Canada is that you are bound by the rules that are set out in the handbook that we've marked as an exhibit?

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A. Certainly, and in addition to this, it is within the purview of a national federation, a member of the IAAF, to supplement the rules of the IAAF. For instance, our technical rules actually have a number of additions to the technical rules of the IAAF and similarly to some of our rules and bylaws that are obviously quite a bit different, taking into consideration the Canadian context.

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Q. All right. Then finally in regard to Exhibit 252, I would ask you, Mr. Dupre, to turn to the last page where there is a chart entitled "Management Functions" with the word "Programs" in parentheses. I don't want to go through this in a lot of detail because it's self-explanatory, but just on the management side over on the left-hand side of the chart, you have the typical structure or what appears to be a typical structure for the office of the President and Chief Executive Officer. But moving along to some of your

programs, let me just ask you about the one right in the middle, the national team. What is the national team? When is it selected? When and where does it compete?

A. The national team, per se, is an expression that gets mentioned, used and utilized quite a bit in national sport organizations in Canada. There is not, in the sport of athletics and in track and field in Canada, a national team in being. We do not have a unit specifically located at a site that can be referred to as "the national team". We do, on a number of occasions throughout the calendar year, put out groups and regroupment of athletes to many international competitions. At that time, those athletes become referred to as the national team of the Canadian Track and Field Association for competition X, Y or Z.

How do these groups get put together? Obviously from a pool of athletes at three very specific levels. The national team unit provides program opportunities for junior athletes 20 years and under, espoir athletes and senior athletes. Espoirs, generally speaking, are athletes which are under 23 years of age for both male and female, and senior athletes certainly, as we know them, are the athletes representing Canada at the most prestigious and prominent competitions.

Q. Those are the Olympic, Pan-American and

Commonwealth Games, I take it?

A. And IAAF sanctioned events such as the World Cup or the World Championships, more specifically.

So from time to time, athletes get selected to those events, and that selection takes place on basic criteria that are issued and developed by the national team office in the management of the Association to be then ratified by the Board of Directors, and for events that are sanctioned by the IAAF. You have to remember here that when the Canadian Track and Field Association participates in IAAF sanctioned events like the World Championships or similar events, it does so on its own and does not have to interact or interface with other organizations in the Canadian sport system, whereas the case is different for putting together the criteria for selection of athletes for major games. We are here referring to the summer Olympic Games, the summer Pan-American Games, the Commonwealth Games, as well as the summer FISU games. From the time throughout the quadrennial, pending the set of games, the Canadian Track and Field Association will negotiate with either the Commonwealth Games Association, the CIAU, or the COA, the Canadian Olympic Association, actual criteria for the selection athletes.

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Criteria then get published for our senior

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athletes and athletes that could be eligible for the different competitions, and from there, the Canadian Track and Field Association proceeds with the selection of athletes based on those criteria, in some instances by putting on and organizing trials, or in some other instances by recognizing performances that have been achieved by athletes.

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The sport of athletics in the world is governed by the terminology "standard", and the standard actually represents a minimum level of performance which is to be acceptable for an athlete to be allowed and eligible to compete through either the World Championships and/or the Olympic Games.

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Q. Perhaps this comes under the next heading on the chart, "Competitions", but can you just in brief terms tell us, in a four-year period or quadrennial, what are the major competitions -- or maybe do it on a yearly basis, I don't know -- what are the major competitions which the Canadian Track and Field Association involves itself in either organizing the national team to go to such a competition or organizing the competitions themselves if they're in Canada?

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A. The Canadian Track and Field Association considers two events as the primary events throughout the quadrennial, and they are the World

Championships sanctioned by the IAAF and the summer Olympic Games. The two occur late in the quadrennial. The Olympics, as you know, occurred in the last year of the quadrennial or the first, depending where you are, or the World Championships occur the year before the Olympic Games. The sequence that we're very familiar with, specifically concerning evidence at this Commission, the Rome Championships in 1987 preceded the Olympic Games in 1988. In the case of this quadrennial, the World Championships in Tokyo, Japan, in 1991 will precede the summer Olympic Games in Barcelona.

Throughout the quadrennial, other events are then positioned in an order of relative importance by our technical people as well as by the Board of Directors, and that is tied with the concept of athlete preparation and development. So in the first year of a quadrennial, like the current one, the CTFA would put a fair amount of emphasis on junior programming and junior development by, for example this summer, organizing a number of dual meets with the U.S. and allowing athletes to participate at Canadian Games, which is basically categorized as an espoir competition in our terminology, in our jargon.

As we progress throughout this same quadrennial in the post-Olympic year, athletes will be given an opportunity to go to the FISU Games. In the

following one, 1990, in this particular quadrennial, the Commonwealth Games will be the priority. In 1991, you just heard me speak about the World Championships, and in between the World Championships and the Olympic Games is another relatively important event for which we select 5 athletes in conjunction with the Canadian Olympic Association, and that is the Pan-American Games scheduled for Havana, Cuba, in 1991.

Q. Now on the purely Canadian domestic 10 scene, we know, of course, that each summer the Canadian Track and Field Association organizations the National Championships. Now who is eligible to compete in the National Championships?

A. There is a specific policy on National 15 Championships by the Canadian Track and Field Association. The policy defines the actual number of competitors for not only the Senior Outdoor Championship but for all of the seven National Championships that the Canadian Track and Field Association hosts and sanctions every year. The 20 standards are actually developed. The number of athletes selected to compete at the Senior Outdoor do have to meet and establish the standard. The current policy of the CTFA is to allow four Senior Outdoor Championships, the top 24 performers in each event for the Senior Outdoor 25 Championships and of course performers that have met the

established standard.

5 Q. I see. Now you quite politely, I think, corrected me when I talked about the National Championships each summer. Those, of course, are the National Outdoor Senior Track and Field Championships. What are the other National Championships?

A. The Canadian Track and Field Association sanctions National Championships in the following other categories. There is an Indoor National 10 Championship, a Senior Indoor National Championship.

Q. Where was that held this year?

A. Will be held -- was held in Edmonton and will be again next winter. The Canadian Track and Field Association also organizes and hosts the Junior Outdoor Championship and in addition to that has Senior 15 and Junior Championships in cross-country running, as well as in race walking, road racing and marathoning.

Q. What is the difference? What's the difference between marathoning and road racing? Just 20 shorter distances?

A. The actual distances.

Q. But road racing, you actually run on pavement or a roadway as opposed to cross country where presumably you run on all sorts of rough terrain; is that 25 it?

A. That's accurate.

Q. All right. Let's move over to the next program column under the heading "Coaching", and I believe here there are some useful facts contained in the document 5 that we've marked, quick facts, which would be Exhibit 253. I wonder at page 2, under the heading "National Coaches", you say 67 coaches direct the programs of individual carded athletes or coordinate the event groups on a regional or national scale. Another 150 coaches work 10 with the national level competitors in Canada. Now, first of all, let me ask you about these 67 coaches. Are they individuals who would be full-time track and field coaches or just about?

A. Some of them are and some of them are 15 just about. The actual number of 67 here is a combination of the full-time employees that the Canadian Track and Field Association has in the area of coaching, coaches that are either beneficiaries of other programs of the CTFA, like its shared coaching program, it's center 20 coaching program or its program of honoraria for coaches of athletes named to national teams. So the number 67 indicates individuals who at one time or another in one way or another do benefit of some resources from the CTFA.

Q. All right. And what about this -- 25 another 150 coaches work with national level competitors

in Canada. What --

A. Well, you've heard me speak earlier about athletes who are at the junior level or the senior level or the espoir level, and basically those coaches are the ones that we are referring to here.

5 Q. Now under this coaching column, I see that -- in your coaching program, there is something called a "Coaching Certification Committee". What is the nature of your coaching certification program?

10 A. The CTFA, like other national sport organizations, certainly subscribes to programs of the Coaching Association of Canada in the area of certification. We have one very basic distinction, however, and it's very important for that distinction to be made. If the certification program is put together in a team sport, it is certainly put together in such a way that there is one game, and the certification program then touches on all of the aspects of that game.

15 The sport of athletics, as you well know, is extremely diversified. It's comprised of 42 events on the Olympic program.

20 THE COMMISSIONER: I'm sorry. 42 did you say?

25 THE WITNESS: 42. Basically we do recognize a regroupment of some of those events under what

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we call event groups like sprints, for example, or hurdles or throws or jumps, and therefore our certification is tied to each one of the event groups and not in as global a manner as it is in the case of a team sport; hence the fact that the number and material and publications that we have to developed and put out is an extremely large quantity as opposed to the sport like the one that I've referred to. So currently the CTFA's certification program is at Level 1, 2 and 3, and we have just received tentative and preliminary approval by the Coaching Association of Canada for our outline of curriculum for Level 4 and 5.

THE COMMISSIONER: I notice that you have 98 carded athletes. Is that current?

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THE WITNESS: That is current, Mr. Commissioner.

THE COMMISSIONER: Or 1989, I'm talking about here?

THE WITNESS: That's right.

20 THE COMMISSIONER: 15 A, 14 B and 69 C?

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THE WITNESS: The current eligibility period will run out at the end of the month of September, and our next eligibility period is on October 1st. We are currently, with Sport Canada, developing and refining the criteria for the next eligibility period.

THE COMMISSIONER: Is it usually 98, or is that --

THE WITNESS: Again the carding criteria are actually based on level of performances and --

5 THE COMMISSIONER: I noticed that.

THE WITNESS: -- standards specifically for the C cards, and from one year to the next, the number at the C level can vary greatly. As to the A and the B cards, it's based on performances at agreed-upon world competitions like the Olympic Games and the World Championships.

10 THE COMMISSIONER: I understand, but you take 69 C cards, the top 50 in the world. Where do I find those 50? The top 50 performances, is that what you're talking about?

15 THE WITNESS: That's correct. We agree on a formula with Sport Canada as to the number of countries participating in a given competition to come about the actual --

20 THE COMMISSIONER: Well, 15 A cards, top 8 in the world. So suppose I were a marathoner. To get an A card --

THE WITNESS: Based on the fact that you are amongst the top 8 --

25 THE COMMISSIONER: I would have to have a

performance which today ranks within the top 8?

THE WITNESS: That is accurate.

THE COMMISSIONER: Well --

5 MR. ARMSTRONG: Let's just take -- sorry, I didn't mean to interrupt. Were you going to ask another question?

THE COMMISSIONER: Well, go ahead. You've been interrupting for months now.

10 MR. ARMSTRONG: Well, there is always the possibility of a reform now that we're towards the end.

THE COMMISSIONER: No, I was finished. Sorry.

MR. ARMSTRONG:

15 Q. Taking the Commissioner's example, and I don't know, maybe it varies so much you don't have this right at your fingertips, but how would you establish in 1989 that he was in the top 8? Would you look at the Olympics or --

20 A. No. There is, in the sport of athletics, a world list that gets produced, and basically you proceed by the world list. It's as straightforward as that.

Q. Does the IAAF publish that?

25 A. The IAAF have rankings for the top

performances in the world on an ongoing basis and it is continuously updated.

THE COMMISSIONER: I picked the marathon because that's my best event, Mr. Armstrong.

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THE WITNESS: Is this where you get to practice your backhand?

MR. ARMSTRONG:

Q. Just picking up another point that you made in response to a question from the Commissioner, you mentioned that there are 42 Olympic events in athletics. How many individual events does the Canadian Track and Field Association actually take within its jurisdiction? For example, I know that women's race walking is not yet an Olympic event, but it's now within your jurisdiction. How many other events or total events are there with the CTFA, approximately?

A. The CTFA is involved in all of the 42, and at this moment, specifically tied to race walking, race walking is now going to become part of the Olympic program; and the CTFA, I'm proud to state, was very involved in having race walking for women recognized in such a way, and not only for the Olympic program, but for the first time ever for the Commonwealth Games in Auckland, New Zealand, in the month of January coming up.

The number of entries, however, and the entrants at an Olympic Games is not necessarily in the 42 events. You heard me describe earlier the importance of meeting agreed-upon selection criteria, and it could very well be that we enter a team to an Olympiad without necessarily a team in each of those events.

Q. All right. But taking the 42 Olympic events and putting them aside, are there a group of other events, I mean road racing and all of these other things, so that if you added up the total number of events the CTFA sponsors or promotes --

THE COMMISSIONER: Not events. You're talking about individual athletic specialties?

MR. ARMSTRONG: Yes.

THE WITNESS: The best way to summarize that is if you take our total national championships, the ones that I have described earlier, in total, from all of those championships, there are 125 events that actually get sanctioned a year by the Canadian Track and Field Association for which 325 awards are actually given.

MR. ARMSTRONG:

9. All right. Then in your --

A. 375. I'm sorry. Three times 125.

Q Thank you. Now during the course of

the hearings that we've had here, we have had reference many times to the national coach or the national team head coach, Mr. Mach. I don't want to talk about him personally, but I'd like to just talk a bit about his position that he has occupied since, when, in the late 5 70's?

A. That's right.

Q. Perhaps immediately before the '76 Olympics, I think.

10 A. That's correct.

Q. What was his position and what is involved in that?

15 A. The position evolved over the last -- during the last two decades. It certainly started as a national team coach and progressively was moved from a position where the individual was removed, if I can use the expression, from the track to be moved to the national office. In this regard, the position more and more evolved in the area of a role of consultant and director of high performance programming to do some specific 20 guidance and advising to personal coaches or national coaches of athletes. So the position evolved quite a bit in the last 20 years.

25 Q. I take it, then, that when you hear the word "head coach", one has in mind somebody like the head

coach of a hockey team or a football team. I take it that's not the picture that should emerge here. It's more of a person who's an administrator of the various programs and coaches throughout the country; is that it?

5 A. That is certainly the way the position has evolved in the recent years, but I should indicate at the outset, when the position was created, it was very much hands on, daily advising of athletes at the track, monitoring training, working through training and preparation sessions, and very, very specifically tied to the preparation of athletes for competition. It evolved to the role you are generally describing in the most recent years, and as a matter of fact, at this moment the Canadian Track and Field Association is in the process of 10 deciding on the structure for national team programming in the next quadrennial. In this regard, it is the intention of our organization to move in the area of 15 high-performance direction with decentralized program and coaching authority for each one of the event groups, the ones that I have described earlier. We currently have a 20 total of 10 event group coordinators, two of which dealing with the junior and the senior programs, and it is our intention to have each of the eight event group coordinators, in addition to junior and senior, more 25 responsible for planning, preparation and implementation

of programs for each of those event groups at the same time that we want to delegate more program authority in the future to those individuals with certain parameters for accountability to the high performance director who will then ensure that the actual programming is done according to the objectives and the views of the Association.

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THE COMMISSIONER: But Mr. Mach, though, was not, say in '88, the personal coach of any of our athletes; is that right?

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THE WITNESS: None whatsoever.

THE COMMISSIONER: All right. Would this be a convenient time to adjourn?

MR. ARMSTRONG: All right.

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THE COMMISSIONER: 2:30, please.

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---- Luncheon recess was taken.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

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MR. ARMSTRONG:

Q. Mr. Dupre, there was one matter that I wanted to raise with you this afternoon which doesn't fall squarely within what I had planned to ask you, so since it is out of context in any event, I will ask you right now, and that is that Mr. Lund testified this morning that the Canadian Track and Field Association had established in November of 1988 an investigative committee to look at certain situations or allegations concerning drug use by members of the Canadian Track and Field Association.

As I understand it, and I got it wrong this morning for which I apologize, but there were four people who appeared before that committee who acknowledged their use of anabolic steroids, and they were: Desai Williams, Mark McKoy, Molly Killingbeck not Angella Issajenko, and then a fourth person who has since or as recently as March at least had gone to the United States. Am I correct?

A. Nearly correct. The reference to the admissions are accurate. The investigative body was 25 struct in October as opposed to November.

Q. All right.

A. And the actual conclusions and recommendations by the investigative body were presented to the Board of Directors during the month of March, 1989.

5 Q. And in any event, each of those

individuals who had acknowledged their steroid use to the committee all had, before talking to the committee of the CTFA, had been spoken to by the members of the Commission's investigative staff and were subject to being called as witnesses to testify here indeed by the time they had met with your committee. Is that not so?

A. That is accurate. And also in the spirit of the co-operation that the Canadian Track and Field Association has demonstrated to this point with the Commission of Inquiry, the Commissioner, and Commission counsels, the CTFA did receive a number of recommendations at its March meeting relating to the status of all of these individuals. And as you are very knowledgeable, we raised those with yourself and the Commissioner before any further actions.

20 Q. All right. Thank you, Mr. Dupre.

Then I want to take you back where we were before the luncheon adjournment, that is to Exhibit 252, the document that is headed the Canadian Track and Field Association, and to the chart at the last page outlining certain of the

Association's programs. And under the coaching column I see the designation High Performance Centres.

Now that, of course, is a designation that we have heard about prior to your testimony today, but can you tell us, Exhibit 253, the Quickfacts, indicate that there are six high performance centres located in Montreal, York University, University of Toronto, University of Manitoba in Winnipeg, University of Saskatchewan in Saskatoon, and British Columbia located in Victoria. Can you tell me, first of all in general terms, what the involvement and sponsorship of the Canadian Track and Field Association is in those High Performance Centres?

A. Early in the 1980s, the Federal Government, Sport Canada, introduced a support program for training centres and specifically to establish an environment to allow national team members, carded athletes, and athletes identified in the high performance stream of many sports to be provided with a better environment or locale for training.

And in this regard, the York University Center got off the ground and was established as a result of partnership between the Canadian Track and Field Association, Sport Canada as a funding agency, the Ontario Ministry of Tourism Ministry and the OTFA. And throughout

the early 1980s and up to recently, more and additional training centres were developed with the involvement of the Canadian Track and Field Association.

At the time that the number of centres got to increase, it was done to take into consideration the local regional and environmental conditions at each of the sites that are described on page 2 of Exhibit 254. Simply to say that the actual involvement on the part of the Canadian Track and Field Association at one center in terms of the provision of resources or the provision of its programs and/or activities would not necessarily be the same as another center.

For example, if we take the involvement at this moment of the Canadian Track and Field Association at the University of Toronto Center, the Canadian Track and Field Association provides financial assistance for two coaches and an administrator.

If you compare that to what we are doing at the training center in Saskatoon, at this moment in Saskatoon we provide an operating resource, financial assistance towards the operating budget, plus the provision of a salary for two shared coaches.

If you compare that yet again with what we are doing with the center out on the west coast, at that center we provide two salaries, one for a coach and one

for an administrator.

I might add that at this moment at the time we were embarking on the next or on the '92 quadrennial, we have given and established one very specific objective as it pertains to center; number one, to go about a consolidation of what we have now and introduce in the CTFA, what is non-existent at this moment, which is generic model for centres that will then be adapted from one situation to the next whereby the key concept of a center administrator to support the activities and the programs of the coaches would form the basis for the setting up and the establishment of a center.

Q. All right. And what about York University, what is involved in your support or sponsorship at York?

A. The salary of a coach and the salary of an administrator.

Q. Then, finally, I wanted to ask you about the approximate size of the budget of the Canadian Track and Field Association. Let's take the fiscal year 1988 - 1989 which would be April 1, '88 to March 31, '89.

THE COMMISSIONER: Do you want to go back to '87 and '88 first for me.

MR. ARMSTRONG:

Q. All right, '87 - '88, which would be March or April 1, '87 to March 31, '88?

A. In that fiscal year, the operating budget of the Canadian Track and Field Association was approximately 2.9 to \$3 million.

5 Q. Then in 1988 - '89?

A. A significant increase in operating budget to approximately \$4.2 million.

10 Q. Is there a particular reason for the significant increase at that point in time?

A. Oh, very much so. A number of initiatives in the area of marketing, fundraising, quick growth of a very specific athlete and athletes from a very specific club whereby the CTFA could at that time in terms of marketing strategies present a flagship for the purpose of sponsorship and fundraising. And that would explain this dramatic and drastic escalation in the operating budget.

20 Q. So, obviously when you refer to a particular athlete, you are referring to Ben Johnson. When you refer to a particular club, you are referring to the Scarborough Mazda Optimist Club. I am sure that name isn't entirely correct, but you know the club I mean.

25 A. What you are referring to is accurate.

yes.

THE COMMISSIONER: How much of that would be contributed by Sport Canada?

5 THE WITNESS: The contribution from the Federal Government to the CTFA program represents 40 to 45 percent of the CTFA operating budget.

MR. ARMSTRONG:

10 Q. Now, you have got an increase between '87 - '88 and '88 - '89 of over a million dollars. Now, is all of that increase of a million dollars or better attributable or most of it attributable to Ben Johnson and the Scarborough Mazda club?

15 A. No -- well, I mean there is certainly an end result of it, but not all of it directly attributable to it. There was a clear interest in the Olympic year with such high-profile athletes to have a number of sponsors involved with CTFA programming.

20 For example, our challenge series and our challenge program received a drastic injection of corporate sponsor money during that period of time.

Q. So, these would be corporate organizations that would sponsor particular challenge meets, is that it?

25 A. Or particular projects, but all of it,

of course, related to the fact that the sport, the sport of athletics had as one of its participants the highest profile athlete in the world.

Q. All right.

5

THE COMMISSIONER: The fiscal year is what, April 1st to March 31st?

THE WITNESS: That is accurate.

THE COMMISSIONER: Thank you.

10

MR. ARMSTRONG:

Q. All right. And I have read much lately as have others that at the national championships, for example, in the national senior outdoor championships in August of 1988 attracted record crowds. Would that have a significant effect on your bottom line also in 15 1988 - '89?

A. Yes, very much so.

Q. All right. Then your budget for the current fiscal year which would be April 1, '89 to March 20 31, 1990, what is the approximate size of the budget?

A. The budget has been returned to the range of 2.9 to \$3 million.

Q. And again following up on the question the Commissioner asked you, what would be the approximate 25 government input, Federal Government input, of that

approximate 2.9 to \$3 million?

5 A. The ratio would be the same. And I have to point out here that does not take into consideration government funding that is actually provided directly to athletes, i.e., the carding subsidiaries.

As you know, the monies paid to athletes under the Sport Canada Athlete Assistance Program do not -- are not challenged via the operating budget of the Canadian Track and Field Association.

10 THE COMMISSIONER: The money is channeled through you, though, but comes directly through Sport Canada; is that right?

THE WITNESS: Not for athletes in receipt of Athlete Assistance.

15 THE COMMISSIONER: The carded athletes?

THE WITNESS: No. Once we have agreed with the government on a carded athlete's name and for a given period of time payments are made directly from the government --

20 THE COMMISSIONER: To the athlete?

THE WITNESS: -- to the athlete.

THE COMMISSIONER: Not through you?

THE WITNESS: Not through the Canadian Track and Field Association.

MR. ARMSTRONG:

Q. So, if Dave Steen gets a cheque this month as an A carded athlete, he gets a Government of Canada cheque not a CTFA cheque?

5

A. And the methodology for payment is on a quarterly basis as per an agreement between Sport Canada and the Department of Supply and Services.

THE COMMISSIONER: That's not part of your budget?

10

THE WITNESS: No.

MR. ARMSTRONG:

Q. All right. And then in 1989 - '90, the current fiscal year, the remaining 60 percent or 15 thereabouts of your budget, those are monies that your organization raises itself?

15

A. Via X number of programs and properties that the CTFA has: television contract, sponsorship for events, endorsement for a national team, membership fees, 20 sales of products, percentage that the Canadian Track and Field Association receives from managing the athlete reserve fund, and similar matters to generate the discretionary funding of the Canadian Track and Field Association.

25

THE COMMISSIONER: Where are your

headquarters now?

THE WITNESS: In Gloucester, Ontario.

THE COMMISSIONER: The new building?

THE WITNESS: In the new building.

5 THE COMMISSIONER: Would you pay rent
there, too, out of your 2.9 million?

THE WITNESS: Very much so; very much so.

THE COMMISSIONER: So, the 2.9,
approximately is your total operating budget?

10 THE WITNESS: Largely comprised of three
specific areas of expenditures: administration, salaries
and programs to athletes.

MR. ARMSTRONG: And perhaps as an
oversight on my part for not pointing out, Mr.
15 Commissioner, there is a chart at the back of Exhibit 252,
the second page from the back, setting out in effect the
staff of the Canadian Track and Field Association.

THE COMMISSIONER: I saw it.

20 THE WITNESS: Yes, there are a few of those
positions for which we receive financial assistance from
the government. As pointed out earlier --

THE COMMISSIONER: In addition to the 2.9?

25 THE WITNESS: No, included in that amount of
money. Sport Canada, as was presented earlier, is in the
contributions approach as opposed to a granting approach.

So, for salaried positions, certain of them, there is a contribution towards the total salary paid to that individual. The CTFA subsidizes and supplements the contribution and adds to that the employee benefits package.

5

THE COMMISSIONER: What about these coaches? Is that out of your 2.9 or is that additional government money?

10

THE WITNESS: No, included in that amount of the money.

THE COMMISSIONER: What reference are you making now to other funds? You said the government -- you supplement what, though?

15

THE WITNESS: We supplement the subsidy we receive for government. We might hire an employee, an individual at salary X for which we have the benefit package and X number of benefits, and from the government towards that salary X we only receive contribution Y. So, we have to, of course, make up for the --

20

THE COMMISSIONER: Out of your 2.9?

THE WITNESS: That's right.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

25 Q. Maybe I am missing the point.

THE COMMISSIONER: If they hired a coach say for the York University High Performance Center, and the salary is X dollars a year, which is allocated by the Government of Canada as fixed in your budget, I gather, they may take some of the rest of the money from the Government of Canada and supplement that.

THE WITNESS: No, not the rest of the money from government, money raised from the Canadian Track and Field Association.

THE COMMISSIONER: I see.

THE WITNESS: But those monies raised by the Canadian Track and Field Association would be within the operating budget which you have just mentioned.

THE COMMISSIONER: I see.

15

MR. ARMSTRONG:

Q. So, in other words, looking at the global picture, if your budget 1989 - 1990 is approximately \$3 million, 40 percent of that \$3 million comes from the government?

THE COMMISSIONER: Forty or 45 percent.

MR. ARMSTRONG:

Q. Forty or 45 percent, 60 to 55 percent
you?

A. That is correct.

THE COMMISSIONER: And is the only other contribution that Sports Canada makes in track and field is for the carded athletes?

5

THE WITNESS: To the carded athlete directly. From time to time there may be some projects in which the government would be involved in in conjunction with ourselves.

THE COMMISSIONER: What about these like

10

Best Ever meets?

THE WITNESS: No, they would be specifically projects like some very recently for our national championship, for example, tied with the Fair Play Commission, which is a government program, or a specific research project as you have heard them presented in evidence here earlier.

THE COMMISSIONER: All right. Thank you.

MR. ARMSTRONG:

20

Q. What about -- again, I guess we didn't ask you to come and answer detailed questions of this nature, but when the Canadian national track and field team goes to the Olympics as part of the Canadian Olympic team, does the expenses for that, did that come out of last year out of your \$4.2 million or does some of the

25

expenses -- do some of the expenses come from the Canadian Olympic Association --

A. Well --

Q. -- and Sport Canada?

5 A. A combination of all three. At the time that the actual team is moved to -- well, from the home residence of each athlete to a camp situation or a training situation to a preparation or a staging en route to the Olympic Games, monies of either of the Canadian 10 Track and Field Association, and the Canadian Olympic Association, or the Federal Government are obviously involved.

15 In addition to this, there are a number of individuals that fall outside the agreed upon numbers by the Canadian Track and Field Association and the Canadian Olympic Association for the size of the team in terms of athletes and the size of the coaching staff.

20 And in this regard, the Canadian Track and Field Association funds and a portion of Sport Canada funds are utilized to bring those coaches on side at the Olympiad.

Q. All right. So, there is --

A. A combination.

25 Q. -- there are then a number of situations where public government funds in fact are

brought in to supplement what is already spent by the government on the sport of track and field?

A. Accurate.

5 MR. ARMSTRONG: All right. Those are all the questions I have for Mr. Dupre at the moment. As I indicated, he will be coming back, but I know Mr. Bourque will have some questions and others may have on these subjects so far.

10 THE COMMISSIONER: Do you want to do that now or do you want to defer until Mr. Dupre comes back?

MR. BOURQUE: I have just a couple of very brief questions in this area.

THE COMMISSIONER: Do it now, please.

MR. BOURQUE: Thank you, sir.

15

--- EXAMINATION BY MR. BOURQUE:

Q. Mr. Dupre, with respect to Exhibit 252, the opening two paragraphs of that document describe the Canadian Track and Field Association as a partnership, and there is itemized in the second paragraph the following groups which are described as partners: member athletes, coaches, sports scientists, medical support staff, officials, administrators, clubs, High Performance Centres, branches, the national Board of Directors, management, and committee members.

25

And I would ask you very simply what communication is required with these partners in policy decision-making processes of the Association?

5 A. Not only a matter of communication, but also a great matter of consultation. We cannot come about in an organization and a corporation such as the -- as ours to introduce a policy or a program without an appropriate consultation with the constituencies.

10 So, the groups or individuals you have just referred to, plus our branches, plus our clubs, plus our volunteers certainly get visited quite frequently on the part of the Canadian Track and Field Association with the view to introduce specific policies and/or programs.

15 Q. And you have mentioned volunteers. Would you just delineate very simply in what capacities do volunteers contribute to the CTFA and its programs?

20 A. Well, volunteers are crucial to the existence of an organization like ours. I personally, and certainly that our Board of Directors, like to think that the whole track and field system in Canada is formally volunteer led and professionally guided by individuals like myself or are people who are under my responsibility in the national office.

25 We have volunteers involved from running local regional competitions and meets all the way up to

volunteers who are part of the governments of the association and represent the association with the IAAF.

5 Let me just give you an example of the numbers here. You know, it is fine to watch the national championships on television or to actually appreciate the coverage of a very specific event, but a track and field competition such as the senior outdoor championship cannot be run without the presence of anywhere between two and three hundred volunteers.

10 The number of individuals to put on a final in any event, 400 meters as an example, would require the involvement of at least 30 individuals. And certainly that if we would not have volunteer assistance and commitment to put on all of these functions, we couldn't

15 go about it.

MR. BOURQUE: Thank you. No further questions.

THE COMMISSIONER: Any questions at this stage? I know you are coming back but just a matter while

20 it is on my mind.

I am looking at your mission statement and as a Canadian Track and Field Association is committed to Canadian high performance and domestic athletics is its mission. Then high performance athletics reflects

25 performance at its highest level of international

competition. Programs which advance the aim of athletes towards referring the top 16 in the world will be supported by CTFA. And then domestic athletics reflects a segment other than the high performance athletics.

5 Athletes who are developmental in nature are those consistently striving towards higher levels of performance. Programs which advance the aims of these athletes will be supported by the CTFA.

10 It is not -- I am not quite clear who are the domestic, only those who you think have a reasonable chance of becoming the top 16 in the world?

15 THE WITNESS: No, I think that there is a very -- that is a very important point. I think that the -- in stating the definition for domestic athletics, there is a clear understanding that within the programs of the association there has to be room and provision made for individuals who enter the sport of athletics, regardless of the age, be it at a time where an individual takes up road running for the first time when he or she is 20 30, or 40, that there has to be provision for those individuals to remain in and be satisfied with the kind of programming that is provided and not necessarily with the view to progress towards the next level which is high performance.

25 THE COMMISSIONER: Well, suppose you have a

21 or 22 year old athlete in Canada who the coaches concede will never be a top 16er. Where does that athlete fit in?

5 THE WITNESS: Well, hopefully we are going to be able to maintain that athlete in the sport. I think it is going to be one of the aims and objectives of our national association to allow for fulfillment of the needs of the individuals should he just wish to remain at the level that he is at.

10 And if there is actually no possibility for him or her to progress in terms of performance, there are a number of other areas of involvement that we should try to keep that person, be it an official, be it a volunteer, be it a coach, be it other type of programing that the
15 individuals should try to --

THE COMMISSIONER: But he wouldn't have the support of the CTFA?

20 THE WITNESS: He certainly would. He would by other areas of programing. He wouldn't for the purpose of his or her performance, but certainly would for programing. He would be able to -- let's say that he decides to get involved in the officials program of the Canadian Track and Field Association. He would get support for accreditation system, for certification, and participation in meetings, if that would be his or her
25

wish.

THE COMMISSIONER: And I am looking at the carding of athletes. We have heard this before. It is not yet clear in my mind. You recommend to Sports Canada, I guess, what, which of your athletes should be carded. Is that how it works?

5

THE WITNESS: The actual Athlete Assistance Program as administered by Sport Canada allows a national sport organization to make representation on the factors and the criteria that should be looked at to actually decide for athlete assistance benefits.

10

15

So, it is a two-step approach. The first approach is whereby we sit down with representatives from Sport Canada and indicate those are the following criteria that we want to look at for a given eligibility period. Then there is a mutual agreement. From there against the agreed upon criteria, we match each one of our recommendations.

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THE COMMISSIONER: Well, the top 8 in the world, the top 16, the top 50, that was sort of agreed on between you and Sport Canada, is that how it --

25

THE WITNESS: The top 8 and top 16 is basically a Sport Canada viewpoint. That is the actual cut off that exists between the A and the B and in all sports. Where the criteria is largely negotiable between

each national sport --

THE COMMISSIONER: Is the C card.

5 THE WITNESS: -- is at the C card level. As a matter of fact, a number of sports including ourselves within the C category have introduced Athlete Assistance for athletes who have been defined as "hopefuls" and we certainly do that in conjunction with Sport Canada at this time. And it allows for a larger number of athletes domestically to receive government funding.

10 THE COMMISSIONER: Then when it comes to competing in the world championship, for example, set aside the Olympics for a moment, are we allowed to say just take three athletes in one event or four athletes in one event, is that how it works?

15 THE WITNESS: That is a rule that is established by the IAAF. And the rule is the following: You can enter up to three athletes per event if all of them have met the agreed upon standard as once again published by the IAAF. If none of them meet the standard, 20 you can enter one.

THE COMMISSIONER: All right. So let's assume that we have Canada's best high jumper --

THE WITNESS: M'hmm.

THE COMMISSIONER: -- with the Canadian record, but not even top 50 in the world, for example. That athlete would not be carded, right? Could that athlete represent Canada in the World Championships?

THE WITNESS: Yes, but he would be the only one that would be entered in that event. We could not enter more than one.

THE COMMISSIONER: And what about the Olympics?

THE WITNESS: The same procedure applies simply because at the Olympic Games, the competition is still governed by the International Amateur Athletic Federation.

THE COMMISSIONER: Well, would we send an athlete to the Olympics who we felt would sort of jump the lowest height or run last in the competition?

THE WITNESS: Well this is what I meant earlier, Mr. Commissioner, as to being in a position of --

THE COMMISSIONER: Suppose that athlete is the best in Canada?

THE WITNESS: Well, it's a totally different approach. In the first example you've given me,

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the Canadian Track and Field Association is totally in charge. It doesn't have to negotiate with any other Canadian agency as to who we enter. In the case of the Olympic Games, we would then have to get an agreement with the Canadian Olympic Association that what you have just described would be acceptable to the COA before we would enter and nominate that athlete.

10

THE COMMISSIONER: So the COA would have to allow a top Canadian athlete who is acknowledged, whose past performance would indicate no chance of winning anything?

THE WITNESS: Accurate.

THE COMMISSIONER: Would the COA allow that?

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THE WITNESS: Well up to this point, the COA certainly has not allowed that, and we have on a number of occasions to discuss and present nominations on a one-to-one-basis which were outside the basically agreed-upon performance standards; and to this point, we have not been successful in placing the Canadian champion, albeit at a very low level of performance internationally, onto an Olympic team, no. The CTFA is not the only association --

25

THE COMMISSIONER: The criticism is that this whole joint program of Sport Canada, the CTFA is

medal oriented rather than just providing the opportunity for Canada's best, no matter what world ranking that is, to represent Canada at the Olympics or at the World Championships.

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THE WITNESS: I think the CTFA program is certainly oriented to allow the best athletes to participate in the events in which the CTFA has total control.

10

THE COMMISSIONER: Yes, but at a World Championship, do you have total control?

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THE WITNESS: We certainly do. That is why I answered earlier to your question, if our top high jumper does not meet the actual standard, he nevertheless could be entered. If we want to have the same approach at the Olympic Games --

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THE COMMISSIONER: Well, do we do that? Have we been doing that?

25

THE WITNESS: Oh, we certainly have.

THE COMMISSIONER: And that's not done at the Olympics because the COA practice is not permitted so far; is that what you're saying?

25

THE WITNESS: And because the actual negotiations which have to take place between -- this is the whole issue of the association that has the athletes, develops the athletes within its own system, actually has

5 a lot of its resources and the resources of its members for the preparation and the development of that athlete, and is then put in a position where all it does is it nominates that athlete to be on an Olympic team or a Commonwealth team or a FISU team and for another agency in Canada to decide as to whether or not it's acceptable.

10 THE COMMISSIONER: But under your system, you won't be a carded athlete unless you are ranked in the top 50 in the world?

15 THE WITNESS: No, but that ranking can occur at other places than by going to Olympic Games and Commonwealth Games.

16 THE COMMISSIONER: No, I'm talking about carding now, just to be carded.

17 THE WITNESS: Oh, yes. Accurate, yes.

18 THE COMMISSIONER: All right. Well, you'll be coming back, so we'll see you later in the week. Thank you very much, Mr. Dupre.

19 THE WITNESS: Thank you.

20 THE COMMISSIONER: Mr. Armstrong, thank you.

21 MR. ARMSTRONG: As indicated this morning, our next witness is Mr. Tom MacWilliam.

TOM MacWILLIAM: Sworn

--- EXAMINATION BY MR. ARMSTRONG:

5 MR. ARMSTRONG: I propose to file as the next exhibit a copy of Mr. MacWilliam's curriculum vitae.

THE REGISTRAR: 259, Mr. Commissioner.

--- EXHIBIT NO. 259: CURRICULUM VITAE OF MR. MacWILLIAM.

10 MR. ARMSTRONG:

Q. Mr. MacWilliam, you have a comprehensive C.V., and I'm just going to pick out a few highlights. At the first page, under the heading "Education", you show a Bachelor of Physical and Health Education degree, Bachelor of Education in Physical Health and Education and Elementary Education, and a Bachelor of Arts General in Economics, Geography and Political Science. Those three degrees were all obtained from Queen's University in Kingston?

20 A. That's correct.

Q. Then I am going to go to page 4 of your C.V. where it is indicated that between February 1979 and June 1984 you occupied the position of Technical Director of the Canadian Track and Field Association headquartered 25 in Ottawa?

A. That's correct.

5 Q. From October '84 to August '86 you were employed as a consultant, and among other things, you were employed in that consulting capacity as the Anti-Doping Education and Control Coordinator of the Canadian Track and Field Association preparing the annual anti-doping plan, developing educational materials and implementing a control testing program; is that correct.

A. Yes, that's right.

10 Q. Then from 1986 to the present time, you have been the Administrator of the National Track and Field High Performance Centre in Saskatoon, Saskatchewan?

A. That's right.

15 Q. That's the same center that Mr. Dupre has mentioned on more than one occasion in the last few half hours of his evidence?

A. Yes.

20 Q. All right. Let me just ask you a few questions just so we can get an historical perspective on the CTFA. When you joined it as technical director in February, 1979, what was the size of the staff?

A. Well, I think if we look back to 1979, the organizational structure was considerably different than the one contained in the outline presented by Mr. Dupre and referred to in the exhibits here earlier today.

At that time, we did not have a corporate structure. The chief position, full-time employment position was that of director general. The gentleman holding that position was a man named Geoff Elliot. We had then a technical director, myself, and in the office in Ottawa there was also a special projects manager and a coaching certification coordinator. We also had a head coach, who was Gerard Mach, and he was located at that time in Toronto and he moved to Ottawa later that year.

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Q. I take it at that time with his designation as head coach, he was actually on-hands coaching in Toronto, was he?

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A. Yes, he was still doing some actual on-hands coaching here in Toronto, and he was based at York University.

Q. Yes.

20

A. At that time, also, we had two secretaries or one was a secretary/receptionist and the other was a secretary/bookkeeper, and that was the sum total extent of the national office staff.

Q. All right. You didn't mention a Richard Monroe who was special projects manager, I think?

25

A. Yes. Richard Monroe was the special projects manager and Brigitte Reid was the coaching certification coordinator.

Q. So back 10 years ago, you had approximately seven employees?

A. That's correct.

5 Q. All right. What was the operating budget at that time?

A. I believe it was around \$625,000.

10 Q. All right. Now if I were to take you back to your curriculum vitae, at page 4, you give a very detailed breakdown of what your functions were as technical director. Without asking you to read through that, although I can put a copy in front of you that you can reference, can you just take a moment and in capsule form describe what was involved in your job as technical director? What kind of things did you do?

15 THE COMMISSIONER: That was in '79 to '84, is it?

MR. ARMSTRONG: Yes.

20 THE WITNESS: The job evolved in that the items listed in the C.V. are things that may not have been there when I originally started and may have evolved over a period of time, but basically when I entered the job in February of '79, the position had been vacant since the previous summer, and the desk that I inherited was stacked to the height of about three feet with documents and 25 papers and magazines and stuff that had to be sorted out

and gone through.

5 My general areas of responsibility included things like our rules; our National Officials Committee in terms of development of officials; the upgrading of officials and those kinds of things; our technical program in terms of the organization of National Championships; sanctions of events that we had control over or had a degree of control over; handling communication with the branches in terms of letting people know when events were, 10 who was eligible to compete and all these kinds of things; setting up a technical publication to help educate and upgrade coaching, coaches and athletes.

15 I was involved to some degree in terms of communicating with the media and presenting the Association to the media because at that time we had no media relation's person; organizing media conferences; doing media releases; taking care of statistics and records; sanctioning and organizing the road race program in terms of course certification and those kinds of things; and to a certain degree, doing some work in 20 pursuit of sponsorships and promotions of events that we were organizing. So it was pretty all-encompassing.

25 Most sports at that time had two full-time positions. They had an executive director who handled the administrative side, and they had a technical director who

handled the total technical side, which would include the national team and coaching certification; but because of the size of the sport in terms of the number of events for which we were responsible, as Mr. Dupre outlined, we had that area sort of broken up, and we had somebody specifically to handle the coaching certification program, and we had Gerard Mach as the head coach and national team director to organize the national team program.

Q. At the time that you were technical director between 1979 and 1984, was track and field the largest national sport organization in terms of numbers of employees and so on?

A. The largest national sport organization in terms of --

Q. Yes.

A. No, it definitely was not. Figure skating had, if you go into their offices, they had about 20 people running around in there. In fact, I think they still have more than anybody else does.

Q. The reason for that is that unlike the Canadian Track and Field Association and other national sport organizations is that the Canadian Figure Skating Association doesn't have any branch organizations; is that correct?

A. That's right. They service everything

directly out of their national office. If you're a member of the Canadian Figure Skating Association, everything that comes to you comes directly from their national office. They have a much bigger organization.

5 There are some other sports that have large organizations. Skiing had at that time a large professional staff organization, and some of the other sports were as big or about as big as track and field.

10 Q. All right. In your position as technical director, did you at some point in time become involved in the Canadian Track and Field Association's anti-doping program?

15 A. Yes, I became involved very early. I had just begun at CTFA, and we had what we called at that point in time the "Technical Committee" in the spring of '79, and at that time, there was discussion about the problem that we were becoming increasingly aware of on an international scale of the use of performance-enhancing substances, and the concern was being expressed that our 20 athletes were going into international situations where they would be tested.

25 Testing was becoming much more common internationally. Up until that point, there really was only testing at major games such as the Olympics or the Pan-Ams or the Commonwealth Games; but testing was

becoming more common.

5 We were aware that there were instances of athletes throughout the sport around the world using performance-enhancing substances, and the concerns were expressed, and we were taking forward from the Technical Committee to the Board of Directors to try to have some action taken and a position taken by the Association.

10 MR. ARMSTRONG: If we could just pause there for a moment, Mr. Commissioner. There is in front of you on the corner of your desk a large black binder, and the Registrar also has a copy. What this document is --

THE COMMISSIONER: It's big, I can see that.

15 MR. ARMSTRONG: -- is a summary or chronology of the Canadian Track and Field Association's position in respect of the control of banned substances from the summer of 1975 through to April 1987. Then there are --

20 THE COMMISSIONER: Well, I take it --

MR. ARMSTRONG: -- in tabs 1 to 22 all of the supporting documents, and I propose that the entire binder be marked as the next exhibit.

THE REGISTRAR: 260.

25 THE COMMISSIONER: I just want to get the

chronology. You were a technical director from February '79 to June '84?

THE WITNESS: That's right.

5 THE COMMISSIONER: Was that your first association? Was it with the CTFA?

THE WITNESS: In an employment sense, yes. I had been involved in programs -- I guess it depends on whether you --

10 THE COMMISSIONER: I mean as an employee or as an officer of the organization?

THE WITNESS: Yes. In terms of the national association, yes.

THE COMMISSIONER: Thank you. What number is this?

15 THE REGISTRAR: 260.

--- EXHIBIT NO. 260: BLACK BINDER CONTAINING A CHRONOLOGY OF THE CANADIAN TRACK AND FIELD ASSOCIATION'S POSITION IN RESPECT OF THE CONTROL OF BANNED SUBSTANCES FROM THE SUMMER OF 1975 THROUGH TO APRIL 1987.

25 MR. ARMSTRONG: What I propose to do is, if I could just turn my back, is the Sports Medicine Council

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of Canada and the Government of Canada could share a volume to look at and give that back to me when you're finished, and then Mr. Freedman, if you could give that back to me when you're finished, I think everybody will be covered and able to follow the questions that I now propose to ask Mr. MacWilliam.

MR. ARMSTRONG:

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Q. Looking at Exhibit 260, Mr. MacWilliam, you have a copy in front of you. I realize that it starts a little earlier than your development, but we see as early at April 1976, the second entry in the chronology sets out what I understand is a minute of the Board of Directors recording the CTFA's position on doping at that time; is that so?

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A. Yes, that's correct. When I was technical director, we began discussing the initial position, statement by the Board. I was made aware of that position.

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Q. All right. It reads:

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"The Board of Directors wish to make it known that it was against the use of steroids and artificial stimulants being used by any athlete and encouraged all medical attempts to trace the use of such drugs. It was also

felt that all medication prescribed at training camps and at athletic events must be prescribed and handed out to the athlete by the team physician."

5 As far as you are aware, is that the first recorded policy statement of the Canadian Track and Field Association in its opposition to the use of performance-enhancing drugs?

A. Yes, as far as I know, that's true.

Looking back through the old rule books, going back to 1970, which is as far back as I could find the CTFA rules, the statement is that of course the rules of the IAAF will be respected in terms of competition at all events. The IAAF rules go back to specifically banning steroids back to 1971.

15 Q. Indeed, when you were here the other day, you had your rule books going back as far as 1971, which seems to contradict the wisdom that we developed here which was that steroids had been banned since 1975. Indeed, your information suggests it was four years earlier?

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that athletes said that steroids were not -- were asked to swear that steroids were not being used. There was an article -- it was either in the Canadian or the Weekender

Magazine, if you recall, that used to come with your Saturday newspaper in the fall of 1968 -- written by Paul Rimstad (phon). That was his sort of lead-off that athletes have sworn that they weren't using these things; but in that article, three Canadian athletes actually admitted to using steroids back in 1968.

Q. All right, then, if we could go to page 2 of the chronology, there is a note, October 1980, the CTFA Board of Directors carries two motions moved by Director Abby Hoffman, who was then a director of the CTFA, and second by Director Jean-Guy Ouellette, who was then a director of the CTFA and is presently chairman, that the CTFA institute doping control at the National Senior Outdoor Championships, that Sport Canada be asked to undertake a drug study, use, abuse, control in Canada. Those were motions that were passed at that time.

Let me ask you about the first part of that motion. Was doping control instituted at the next CTFA National Senior Outdoor Championships which would have been in the summer of 1981?

A. Yes, they were.

Q. Was that the first doping control testing that took place at a track and field meet in Canada?

A. The first doping control at a domestic

track and field meet. We had doping control over the preceding summer in Sudbury at the Pan-American Junior Championships, and of course there had been doping control at the World Cup in '79 and at the Commonwealth Games and

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Olympic Games.

Q. In Montreal in '76, yes, obviously.

A. M'hmm.

Q. The other part of this resolution reads that Sport Canada be asked to undertake a drug study, use abuse, control in Canada. Now was there any dialogue at around this time between the Canadian Track and Field Association and Sport Canada as to the development of a policy implementing a program of anti-drug use in the sport of track and field and other sports?

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A. Very definitely there was. Immediately following that Board meeting in October of 1980, the Director General, Geoff Elliot, wrote the Acting Director, I think it was, or Assistant Deputy Minister who was in charge of Sport Canada -- there was a bit of a hiatus at that time where they didn't have a Director General, and the man's name was Knapp. Geoff wrote Knapp and asked that Sport Canada undertake such a study, and the response, as I recall Geoff telling me, which took a long time to come back, was that we should go and talk to the Sports Medicine Council of Canada, that this seemed to be

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something that was of a sport medicine nature and that we should pursue this matter with them. I know Geoff did undertake correspondence with the Sport Medicine Council of Canada to try to get that undertaken.

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Q. In general terms, what is your recollection as to the position of Sport Canada at that time on this issue?

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A. Well at that time, the position seemed to be that if a sport felt that it had a problem, that it should pursue that problem, but it wasn't a widespread problem throughout sport in general or Canadian sport in particular and that really it was up to the sports to decide what they wanted to do and that we were expected to follow our own international rules but that there wasn't any help forthcoming for us to undertake those kinds of things nor was there any consideration given to the impact that might or might not have on things like carding and levels of athlete performance.

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THE COMMISSIONER: What was the response of the Sports Medicine Council at that time; do you recall? Is that response your understanding?

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THE WITNESS: I was only aware of this in a peripheral sense in terms of conversations with Geoff in the office, but over a year went by before actually the study was undertaken, and the Sports Medicine Council did

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undertake that study commencing in 1982.

5 The one thing that did happen in the fall of 1981 at the Coaching Association of Canada's fall National Coaches Symposium, there was a part of the program, a seminar on drug use. There were a number of speakers brought in and then there was a panel discussion. Some very enlightening comments were made at that time. Most of the -- at that time, the only two sports that would acknowledge and admit that there was a problem within 10 their sport with drug abuse, performance-enhancing drug abuse that is, were the Weightlifting Federation and Track and Field. Every other sport said "It's not a problem for us. We don't know what you're talking about. Go away and leave us alone."

15 The medical people that spoke at that conference indicated that there was no hard and fast scientifically acceptable evidence that steroids would improve performance, that the studies were showing that they could get the same kind of improvements in 20 performance using placebos as they could in terms of using actual steroids. One coach, not a track and field coach, not a weightlifting coach, went so far as to suggest that the athletes should be given placebos and told that they were steroids because then you could get 25 the same kind of performance enhancement without actually

doing it. Until I heard some other people recently, I haven't heard a more morally corrupt statement in my life.

5 Q. Then let me just move you ahead in the chronology. At the bottom of page 2, you set out, as you indicated, that at the National Outdoor Championships in Regina, doping control did take place domestically for the first time. The report of what was done at Regina is attached here as tab 1 of Exhibit 260. In general terms, how many tests were in fact done? 40 are mentioned here.

10 Is that how many were done?

A. We had scheduled to do 40 tests. In actual fact, I think they carried out 38.

Q. What was the cost?

15 A. The cost to us at that time was about \$2,800.

Q. What lab did you use?

20 A. At the time we used the laboratory in Edmonton that had been used for the Commonwealth Games and that was gearing up to do the testing for the FISU games that were held in Edmonton the next year -- or sorry, two years later.

Q. The cost was \$2,820, was it?

A. That's basically the cost that I've been able to calculate, yes.

25 Q. Where did the money come from for that?

Did it come out of the regular budget, or did it come from Sport Canada?

5 A. No, that came out of the Canadian Track and Field Association's operating budget, and basically it came from what we would best describe as self-generated funding. Sport Canada did not support it at that time.

Q. All right. At the top of page 3, there is a reference in your chronology which says "Sport Canadian Director General --

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THE COMMISSIONER: That's October 1981?

MR. ARMSTRONG:

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Q. Yes. October 1981, Sport Canada Director General Abby Hoffman indicates willingness of the federal government to consider funding of CTFA testing program. Was she still either a member of the Board of the CTFA at that time, or did she attend Board meetings?

THE COMMISSIONER: Well, she's described as the Director General.

20

MR. ARMSTRONG: Yes.

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THE WITNESS: I think it was just after Ms. Hoffman had assumed the position of Director General of Sport Canada, and she had either just resigned or was in the process of resigning as the athletes' representative on the CTFA Board of Directors. It was a transitional

period for her and for the Association in those terms. But I recall being told that she had attended that Board meeting that fall, and consistent with her motion of the year preceding, said that Sport Canada would certainly 5 look at providing the funding for the testing or carrying out of the testing program.

THE COMMISSIONER: She was in a very unique position, to be given some authority and then to approve recommendations she had made the year before.

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THE WITNESS: That's right, yes.

MR. ARMSTRONG:

Q. Then at tab 2 of this brief of documents, there is a document entitled "Draft 15 Recommendations Regarding Doping Control". It's dated November 30th, 1981, and it has your name on it. I take it you're the author of this document?

A. That's correct.

Q. Does this document represent a further 20 effort at developing a philosophical base for doping control by the Canadian Track and Field Association?

A. Yes. In drafting that document for the Board, it was my intention that the Board establish some firm policy and philosophical base on which we should then carry out the development of programs. I've set it out in 25

what could be considered as a bit of a controversial way
in terms of presenting them the alternatives that I saw
for the positions that they could possibly take, one of
which being so they could keep their head in the sand and
sort of say "It's a no, no, but we're not really going to
do anything about it." The second alternative would be to
say, "Listen, that's what's happening out there in the
real world. Let's go out there and go for it and do
whatever we have to do to make our athletes the best in
the world." The third alternative being that "Listen, this
isn't acceptable. It's cheating. It's against the rules
of our sport, and we're going to take a very firm and
proactive leadership role in trying to stamp this out of
our sport."

What I wanted to do was to confront the
Board with the alternatives and try to get them to take a
position and develop something, because I found as an
employee without that backing of the Board, having taken a
firm position in one way or the other, I was left in a
very awkward and sometimes, I felt, almost a physically
dangerous position of trying to implement a policy without
that clear backing.

THE COMMISSIONER: I notice that you then said you weren't capable of carrying out either (a) or (c); is that right?

5 THE WITNESS: I felt it would be difficult to carry out either (b) or (c), sir.

THE COMMISSIONER: (b) or (c)?

THE WITNESS: Yes.

THE COMMISSIONER: That left (a).

MR. ARMSTRONG: Or 1.

10 THE COMMISSIONER: Regulation 1, yes, I am sorry.

THE WITNESS: Yes.

THE COMMISSIONER: 1A, is that right?

15 MR. ARMSTRONG:

Q. It may be a bit confusing. Let's just look at recommendation No. 1 on page 2 reads:

20 "The CTFA Board of Directors take a firm and clear stand on the use of banned drugs as ergogenic aids by Canadian athletes and articulate this position clearly to its membership, the media and Sport Canada."

I take it that was your first recommendation?

25 A. That's my recommendation.

Q. But then you were posing alternatives which I take it might represent alternative points of view to taking a clear stand on the use of banned drugs as ergogenic aids?

5

A. That's right.

THE COMMISSIONER: "It is the opinion of the Technical Director of the CTFA cannot afford, either financially or in another terms of the impact on sport, to action either alternative B or C."

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They are capital B and capital C, but they are the same ones I am reading above, are they?

THE WITNESS: Yes. It should have been
small "b" and small "c".

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THE COMMISSIONER: And you can't afford to continue with alternative A, right?

THE WITNESS: That's right.

THE COMMISSIONER: A was:

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"The CTFA continue its present policy of proclaiming opposition to the use of drugs as ergogenic aids and doing occasionally testing at championships (in reality turning a blind eye to their use, but providing no medical/scientific support for athletes, no information, pro or

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con, on their use) '."

So, you couldn't afford (b) or (c) and you
can't live with (a)?

5 THE WITNESS: Well, I think the point was
we couldn't afford (b) or (c) without a very firm
commitment.

THE COMMISSIONER: I understand that.

10 THE WITNESS: Yes. And taking either of
those stands presented some real difficulties for the
association if it was going to go that route. And they
had to, you know, we had to get off the fence, in my
opinion, and there were some real costs involved in
getting off the fence.

15 THE COMMISSIONER: But (b) would upset the
international sporting community, is that what you are
saying here?

THE WITNESS: I think it would outrage
people, a lot of people.

20 THE COMMISSIONER: What was (b)? Random
testing?

MR. ARMSTRONG: No.

THE WITNESS: No, (b) was saying, right,
that's the way it is, let's do it.

MR. ARMSTRONG:

Q. (b) was full steam ahead, use steroids, and monitor their use medically, and provide all of the medical/pharmaceutical assistance available to use steroids and other ergogenic aids effectively; is that not so?

A. That would be -- that would be an alternative and that would be taking the "end justifies the means of winning at all costs".

10 THE COMMISSIONER: And then (c) would be requiring carded athletes to undergo random testing throughout the year. That was one of the recommendations I notice here.

THE WITNESS: Yes.

15 THE COMMISSIONER: You are just sort of thinking out loud, I think would be a fair way of putting it, isn't it?

20 THE WITNESS: I was thinking out loud and presenting alternatives to the Board to try to get them to come off the fence and take a position.

MR. ARMSTRONG:

Q. Let's just follow this through. And (c) was kind of the 1989 perfect model, you were kind of with (c) ten years ahead of your time, because you would

require carded athletes to undergo random testing throughout the year, that is that Ben Johnson, Mark McKoy, Angella Issajenko, and others would be tested on a regular unannounced, no notice or very little notice basis, right?

5

A. That's correct. What we call now out-of-competition testing and at that time called random testing, but those two terms are interchangeable.

THE COMMISSIONER: I am not sure random testing could also apply to competition testing. You mean 10 random testing by being out-of-competition testing?

THE WITNESS: In this context in which this was written, we would now refer to this as out-of-competition testing.

15

THE COMMISSIONER: That's right.

MR. ARMSTRONG:

Q. But he said requiring carded athletes to undergo random testing throughout the year. So, in (b) and (c) philosophically are diametrically opposed to each 20 other?

A. Absolutely.

Q. I mean (b) is you say go for it, use the "roids", and use all of the medical and pharmaceutical knowledge and equipment available to support their use, 25 correct?

A. I wasn't saying do that, I was saying
that was an alternative --

Q. No, no --

A. -- yes, to take what we have been led to believe --

Q. Yes, in fairness --

A. is at least East European model.

Q. -- we can't lose sight that your recommendation is clearly stated up above and that is to take a firm and clear stand on the use of banned drugs as ergogenic aids, that is what you are recommending, but you are putting the alternatives as the Commissioner said as kind of your musings as to what the alternatives were, but and going down the page, you say:

"That the implications of alternative (b) [that is to actually promote the use of ergogenic aids including steroids] are the probability of a strong international backlash among the sporting world, a strong negative reaction from the Canadian public, and considerable cost."

That is financial cost in actually carrying out a program like that?

A. Yes.

Q. And you say:

5 "This may be the necessary path to choose
 however if Sport Canada is going to continue
 to press for high level results in
 international competition, to make success
 internationally a major factor in
 determining financial support of
 associations, athletes and programs."

Right?

A. That's right.

10 Q. So, what you were positing there was
 the theory that again 10 years or eight years later we
 have heard here many times that if you are going to make
 it on the international scene, at least in certain events
 in track and field, you have to use some of these
 15 ergogenic aids, i.e., steroids, correct?

20 A. Well, that is certainly the perception
 that people have and the perception often overcomes
 reality. I am not as convinced as some of the other
 people are that you have to resort to these things if the
 rest of the support system is there to achieve high level
 performance. But as long as people believe that they are
 necessary, then they become a limiting factor.

25 Q. But you don't -- you don't disagree
 with, for example, the evidence that we have heard here
 that you can't put the shot over 20 meters without the

assistance of steroids, that's clear the evidence that we have had here?

A. Well, I think that's certainly been the opinion voiced here. There is no question of that.

5 Whether there is any clear evidence that that is true one way or the other, I am not going to speculate on quite, frankly.

10 Q. Well, then we will leave that subject for others. Then I want to go on to the last paragraph, the implications of alternative (c) are even more striking. Now, alternative (c) again is what I would call modern 1989 standard of perfection, that is we are going to eradicate the drugs by a vigorous out-of-competition testing program?

15 A. Yes.

Q. Okay. So, you say:

20 "The implications of alternative (c) are even more striking: [that's even more striking than (b) going the other way] the costs of testing, the international backlash as far as competitions in Canada (although the Association will probably have lots of invitations to compete abroad unless testing is required as one of the conditions of CTFA participation); the resistance of athletes

5 and the impact on Sport Canada support for the Association, athletes and programs, so long as Sport Canada sets success at the highest international level as its priority."

10 Now, let me just ask you what is it you are saying there, that the fallout from eradicating drugs or ergogenic aids, as you described them, would be such that Canada's position internationally at the competitive level would be such that it would be unacceptable?

15 A. I think we would have seen at least initially because the other support agencies weren't there for athletes to develop to a high level, I think we would have seen a decline in performance. And I think that would have had a fallout in terms of our athletes becoming carded because Sport Canada refused to look at the concept.

20 And it was raised with them, the concept of carding the Canadian champion, no matter what their level of performances, as the Commissioner described the high jumper whose level of performance isn't, as a Canadian champion, isn't going to make them competitive at the Olympic Games. We did propose to Sport Canada that the Canadian champion should be carded, no matter what their level of performance is.

So, it would have an impact on that. We felt that it would have an impact on, you know, other countries being willing to compete with us because one of the things we were suggesting was --

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THE COMMISSIONER: Is this your own assessment at that time or had you discussed these alternatives with someone from Sport Canada before you wrote this?

10

THE WITNESS: This was my assessment at the time. Things like the card situation and those kind of things were ongoing discussion --

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THE COMMISSIONER: No, I mean these alternatives, did you discuss these before writing this to see what the view of the Sport Canada would be or were you just sort of speculating what their response would be?

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THE WITNESS: We were working on the information in terms of the position papers and the information that they were giving us where they had made high performance at the Olympic Games and this kind of things the watch word leading in to 1984.

THE COMMISSIONER: I see.

25

THE WITNESS: I think we were also quite conscious of the fact that the Canadian public, as influenced by the Canadian media, is expecting athletes to be competitive at the highest level. And we were

recognizing the fact that if our athletes weren't that competitive on the international scene, we would certainly suffer in the media. A lot of that is quite evident.

5 I have been reading the Globe and Mail quite regularly. We have got the Canada Summer Games going on in Saskatoon right now, and I have been barely able to find any mention of the fact that here is Canada's national sporting festival taking place with zero coverage. I can't even find a medal count, for example, if that is important to people.

10 So, you know, I think it is pretty clear that the expectations that are being placed on the sports, both by Sport Canada and the public, as I say, as reflected in the media were that high level performance 15 was what was being demanded.

MR. ARMSTRONG:

Q. So, alternative (b) then was clearly unacceptable because as you have said here, there would be 20 a strong international backlash and a strong negative reaction from the Canadian public and considerable cost. Obviously, what you were saying was that the Canadian public and the international sporting world were not going to accept a program of doping control that was in fact the 25 management of our athletes on a drug program?

A. I don't think anybody would have accepted it if we had outrightly gone and said we were going to cheat and do whatever we have to do to win.

5 Q. And the (c) alternative was unacceptable for the reasons you have already outlined. And then the (a) alternative was the CTFA continue its present policy of proclaiming opposition to the use of drugs as ergogenic aids and doing occasional testing at championships, in reality turning a blind eye to their use but providing no medical/scientific support for athletes, no information, pro or con, on their use.

10 So, what you are saying in this document is in effect, as you have mentioned already and you mentioned further on, it is time for the CTFA to stop turning a blind eye and time to get off the fence?

15 A. That's right.

Q. Is that right?

A. That's correct.

20 Q. And that is what leads you really to the -- you really end up here looking at these three alternatives, but you dismiss them and you go with your recommendation 1, which is the CTFA Board of Directors taking a firm and clear stand on the use of banned drugs as ergogenic aids by Canadian athletes and articulate this position clearly to its membership, the media, and Sport

Canada?

A. That's what I wanted to see happen.

THE COMMISSIONER: Plus recommendation number 2, I think.

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MR. ARMSTRONG:

Q. Then we are going to go to recommendation number 2 at the top of page 3 which says:

"The CTFA go to Sport Canada and request a clear statement of policy on the use of banned drugs as ergogenic aids to training in sport along the lines of either alternative (b) or (c). If Sport Canada is unwilling to take a stand it should be requested to guarantee full support of any sport governing body pursuing either alternative (b) or (c)."

Now --

THE COMMISSIONER: (b) --

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MR. ARMSTRONG:

Q. I am not clear because I thought we had or you had rejected (b) and (c) as alternatives in recommendation 1, yet you are here suggesting that you go to Sport Canada --

THE COMMISSIONER: Mr. Armstrong, (c)
would not be inconsistent with recommendation 1, it would
be a way of carrying it out.

MR. ARMSTRONG: No, I agree.

5

THE COMMISSIONER: So, that's not being inconsistent with recommendation 1. That would be a manner of carrying out the opposition of use of drugs.

MR. ARMSTRONG: I agree, I am sorry. I had thought, however, that Mr. MacWilliam had rejected alternative (c).

THE COMMISSIONER: Well, you couldn't leave recommendation 1 without a method of doing something about it, a method. Recommendation 1 is just words.

MR. ARMSTRONG: All right.

THE WITNESS: Recommendation 1, the clear position --

THE COMMISSIONER: Would be a policy statement?

THE WITNESS: -- a clear policy statement could have been either (b) or (c) to either say yes or to say no to drugs, basically.

MR. ARMSTRONG:

Q. All right.

25

A. And I was looking for the Board to take

a stand on one side or the other. I felt we were being left in the middle and as the person that was responsible for trying to implement some kind of policy, I was without a whole lot of means of visible support.

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Q. All right. Then you go on in the next paragraph to articulate what you have already articulated, and that is that Sport Canada in your view at that time was tossing the decision back to the individual sport governing bodies, that if they saw a problem with the use of ergogenic aids or performance enhancing substances in sport, that it was the individual sport to live by their rules and develop their own policy to enforce those rules.

10

15 Is that in substance what you are then saying?

20 A. That's correct. We were being told by Sport Canada that, you know, they did not have -- it was not their role to take that kind of leadership, that kind of proactive role in terms of setting out a national policy, that it was up to each individual sport to try to determine its own policy, and to live within the rules of, you know, its international organization.

25 And I felt and others in our association felt that Sport Canada was ducking its responsibilities as the leader.

25

THE COMMISSIONER: I thought, though, by

this time Abby Hoffman had agreed to fund testing in October '81; is this before October '81?

5 THE WITNESS: No, this follows October '81 where she had agreed to provide us with some funding for testing in the next year and that turned out to be a one year thing.

THE COMMISSIONER: Well, this is written -- what date is this?

10 MR. ARMSTRONG: November 30, '81. And Abby Hoffman makes her statement in October '81 at a Board meeting of the CTFA.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

15 Q. So, at the time you are writing this document, I assume you would have been of a mindset that Sport Canada was going to consider funding of a CTFA testing program?

20 A. They were prepared to provide us with some funding for testing, but that again did not mean that they had taken a position on it or that, you know, in terms of a policy that was across the board applicable to all sports.

25 All Abby had done for us was indicate that, yes, she was prepared to approve funding of a testing

program for track and field for 1982, fiscal year '82-'83.

THE COMMISSIONER: All right.

5 MR. ARMSTRONG: Then there are further recommendations 3, 4, 5, and 6 that I don't propose to pursue for the moment. They are there for others to read and you, sir, if you want to develop it later with the witness they seem fairly straight forward.

10 The next document in the chronology of what you and the Canadian Track and Field Association were doing in developing your position --

THE COMMISSIONER: Excuse me, may I ask what happened to this document? This is a draft.

MR. ARMSTRONG: I was going to come to that in a moment.

15

THE COMMISSIONER: Sorry.

MR. ARMSTRONG:

20 Q. Is this editorial at tab 3 -- just let me -- that is May 1982, and it is fair to say I think that your editorial at tab 3 espouses in editorial terms the same kind of philosophy that appears in your draft recommendations regarding doping control?

A. Yes. The purpose was trying to again --

25

THE COMMISSIONER: Excuse me, you haven't

answered my question. What happened to this draft?

5 MR. ARMSTRONG:

Q. All right, then, I apologize. What happens to the draft?

A. Well, the Board did actually adopt a policy that was formally brought forward to the annual general meeting in the spring of 1982. And that is under tab 4.

10 THE COMMISSIONER: I am sorry, you submitted this then to a Board at a Board meeting?

THE WITNESS: That went to the Board of Directors for their discussion and reflection and remuneration.

15 THE COMMISSIONER: The editorial that Mr. Armstrong referred to, what date is it? I don't seem to have a date on mine, Mr. Armstrong.

THE WITNESS: It was May '82.

THE COMMISSIONER: May '82, thank you.

20 MR. ARMSTRONG:

Q. That appeared in what publication?

A. Track and Field Journal.

25 Q. That's the official publication of the Canadian Track and Field Association?

5 A. Yes, it was our fairly technical magazine that we produced.

Q. All right.

10 THE COMMISSIONER: I am sorry, the Board dealt with your draft recommendation. When did they deal with it?

15 THE WITNESS: I don't have the exact minutes of when they actually finally dealt with it, but they did come up with a policy that was presented in June of '82 at the annual general meeting and basically follows recommendation (c).

THE COMMISSIONER: All right.

20 MR. ARMSTRONG:

25 Q. By that you mean recommendation 1, alternative (c)?

20 A. Yes, recommendation 1 stating a clear policy and a clear policy being opposed to testing -- not opposed to testing, but opposed to the use of ergogenic aids.

25 THE COMMISSIONER: And that appears at tab 4, is it?

THE WITNESS: That's correct, sir.

MR. ARMSTRONG:

Q. Now, in respect of this document, this was at tab 4 the document entitled Canadian Track and Field Association Policy On Doping, this was presented to and approved at the annual meeting of the Canadian Track and Field Association between the 18th and 20th of June, 1982; is that correct?

A. That's right.

Q. And without asking you to read this document, which we all can do at our leisure, can you just take a moment, Mr. MacWilliam, and tell us what this policy on doping is as of June 1982?

A. Basically, it enunciated the position of the Board at that time as being firmly opposed to the use of steroids. It set out whatever sanctions in the appeals procedure that would be implemented for anybody testing positive.

It set out to include in the rules to allow us to do testing at championships. It also set out a provisions that would allow us to do random testing -- or out-of-competition testing.

THE COMMISSIONER: That's -- is that what it means? You use the word "random testing" for competition testing?

THE WITNESS: Yes. If you look at E, the

intent, that is the terminology, the terminology that we used at that time was random testing. Now, we would use the terminology out-of-competition testing. If you look at E, it would be all CTFA carded athletes and any non-carded athletes selected to the national teams must submit to out-of-competition testing as required. And that was the intent --

5 THE COMMISSIONER: That's what was meant, I gather, was it?

10 THE WITNESS: That was certainly the intent at that time.

THE COMMISSIONER: You use random testing in two senses?

15 THE WITNESS: Yes, yes. And it also set out that we would do an educational program. We would also set out an international lobbying program. And in essence this became -- in hindsight, now we can look back and say, gee, when Sport Canada turned around and starting requiring us to do in '83 and '84 with their policy, we had already said that's what we were doing.

20 THE COMMISSIONER: Were you doing it actually in '82?

THE WITNESS: We were to the extent that we had --

25 THE COMMISSIONER: You weren't doing

out-of-competition testing, were you?

5 THE WITNESS: No, because Sport Canada didn't approve the funding for out-of-competition testing when they gave us money for testing in 1982. It did not include money for out-of-competition testing.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

10 Q. And, in fact, although you have indicated that as early as June 1982, indeed as early as November 1981, you were calling for out-of-competition testing, out-of-competition testing is not implemented as we will see until several years later?

15 A. That's correct. Simply the logistical and financial barriers to try and put that kind of program in place were far beyond what we had recognized in terms of trying to set that kind of program up.

20 And you will also have to remember in 1982 there was a climate -- it was the time that the Bill of Rights came in and there was a lot of talk about athletes' rights and the climate about doing testing of somebody arriving at, you know, somebody's doorstep in the middle of the night with a little bottle knocking on the door saying "please pee in this little bottle was not particularly acceptable". And there was a lot of

discussion that went on for a period of time as to how much notice do you have to give before you test people.

5 And so we had -- it took a long time to work through all those kinds of aspects and plus just the logistics. And even in 1982 we weren't a whole lot larger in terms of manpower.

10 I think it is important to remember that the Association, while we have a very large membership spread across the country, we don't have the fulltime manpower of an IBM or, you know, a big corporation to do all these things. It still came down to a very few people being asked to do a lot of things.

15 Q. Then after the policy on doping was accepted by the annual meeting of the CTFA, did you set to work to finalize a Doping Control Standard Operating Procedures Manual?

A. Yes, we did.

THE COMMISSIONER: Perhaps we can pursue that tomorrow morning at 10 o'clock.

20 MR. ARMSTRONG: Fine.

THE COMMISSIONER: Thank you. Tomorrow morning at 10 o'clock.

25 ---- Whereupon the proceedings adjourned until Tuesday,

August 22, 1989 at 10:00 a.m.

